

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PURE POWER BOOT CAMP, INC.  
PURE POWER BOOT-CAMP FRANCHISING  
CORPORATION, and PURE POWER BOOT  
CAMP JERICHO INC.,

Plaintiffs,

- against -

WARRIOR FITNESS BOOT CAMP, LLC;  
ALEXANDER KENNETH FELL a/k/a ALEX FELL,  
Individually; RUBEN DARIO BELLIARD  
a/k/a RUBEN BELLIARD, Individually;  
JENNIFER J. LEE, Individually;  
and NANCY BAYNARD, Individually,

Defendants.

**ECF Case**  
**Case No. 08-cv-4810 (JGK) (THK)**

**DECLARATION OF**  
**DANIEL A. SCHNAPP**

**DANIEL A. SCHNAPP, ESQ.**, declares pursuant to 28 U.S.C. § 1746 as follows:

1. I am associated with the law firm of Fox Rothschild LLP, attorneys for Defendants, Warrior Fitness Boot Camp, LLC, Alexander Kenneth Fell, Ruben Dario Belliard, Jennifer J. Lee and Nancy Baynard ("Defendants").
2. This declaration is respectfully submitted in support of Defendants' Motion for an Order Precluding the Use or Disclosure of Specific E-mails Illegally Obtained by Plaintiffs, Pure Power Boot-Camp, Inc., Pure Power Boot-Camp Franchising Corp., and Pure Power Boot-Camp Jericho Inc. (collectively "Plaintiffs"), directing the immediate return of the E-mails, and granting Defendants their attorney's fees, costs, and disbursements resulting from Plaintiffs' illegal actions. I am familiar with the factual matters set forth herein.

### **Background**

3. This case arises out of Plaintiffs' attempt to shut down Defendants' business, in order to insulate Plaintiffs' business from ordinary commercial competition and to wear down Defendants, two of whom are Plaintiffs' former employees and former Marines.

4. In order to support their claims, Plaintiffs have illegally accessed Defendants' personal e-mail accounts in violation of several Federal and State laws.

5. The e-mails at issue, which form the basis of Plaintiff's Complaint and Motion for a Preliminary Injunction, were drafted or received on Defendants' own computers, on their own personal time, and on their own personal e-mail accounts.

6. In order to gain access to these e-mails, Plaintiffs' principal, Lauren Brenner, and/or her agents, hacked into Defendants' personal e-mails after Defendants were no longer working for Plaintiffs and when Defendants' expectation of privacy was at its height. Plaintiffs read, downloaded, and printed these e-mails without the consent of the Defendants.

7. Plaintiffs have even gone so far as to remove or blur out the time or date these e-mails were illegally accessed. This amounts to sanctionable spoliation of evidence.

8. Attached to this declaration collectively as Exhibit "A" are the subject e-mails that were illegally procured by Plaintiffs for use in this case.

9. On June 4, 2008, during a conference before the Court, Plaintiffs' counsel claimed on the record that these e-mails were recovered because Defendants gave them their passwords for their e-mail accounts. Attached to this Declaration as Exhibit "B" is a true and correct copy of the relevant page of the transcript from the conference.

10. Plaintiffs' allegation is patently false. As set forth in the Affidavit of Alex Fell, sworn to on June 30, 2008, Defendants neither consented to, nor authorized the Plaintiffs to access their e-mail accounts

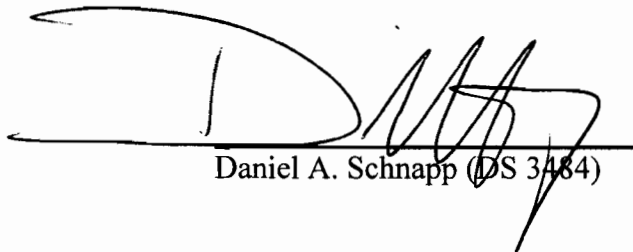
under any circumstances. Also, this claim is false because Defendants would have had to have implausibly given Plaintiffs access to three e-mail accounts, including one for Defendant Warrior Fitness. In any event, the e-mails were stolen more than a month after Defendants Fell and Belliard left Plaintiffs' employ and about four days before Plaintiffs filed suit.

11. Several of the e-mails are also cloaked with attorney-client privilege and/or the attorney work product privilege.

12. As more fully set forth in the accompanying Memorandum of Law, Plaintiffs accessed these e-mails in violation of New York Federal and State law, violated Defendants' absolute expectation of privacy, have engaged in spoliation of evidence, and must be precluded from using the e-mails in this case.

WHEREFORE, Defendants respectfully urge that the Court grant their motion in its entirety.

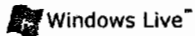
Dated: New York, New York  
July 1, 2008



Daniel A. Schnapp (DS 3484)

**EXHIBIT A**

**EMAIL 1**



### Check these bootcamp places out

From: Jennifer J. Lee (jennifer\_j\_lee@yahoo.com)

Sent: Tue 7/24/07 5:30 PM

To: Alex Fell (afell@tmo.blackberry.net); ALEX FELL (kappamarine@hotmail.com)

<http://www.jaysbootcamp.com/>

<http://www.crossfitkc.com/>

<http://www.usmcfitnessbootcamp.com/>

<http://www.platoonfitness.com/>

<http://www.bulldogbootcamp.com/>

<http://www.ocbootcamp.com/>

<http://www.startfitness.com/>

<http://www.underdogfitness.com/programs/outdoor/bootcamp.html>

[http://www.teamdelta.net/boot\\_fit.htm](http://www.teamdelta.net/boot_fit.htm)

<http://www.fitboot.com/>

[http://www.achieve-fitness.com/boot\\_camp\\_manhattan.htm](http://www.achieve-fitness.com/boot_camp_manhattan.htm)

<http://www.efitnessedge.com/>

<http://www.bootcampfitnessnyc.com/intro.asp>

[http://www.livescience.com/health/ap\\_051108\\_boot\\_camp.html](http://www.livescience.com/health/ap_051108_boot_camp.html)

<http://www.nytimes.com/2007/03/01/fashion/01Fitness.html?ex=1330405200&en=4190877a76611caf&ei=5088&partner=rssnyt&emc=rss>

<http://www.msnbc.msn.com/id/18909564/>

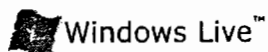
-----  
Thought of another way to sell how yours is different  
(besides being Marines, upsell of discounts, etc).  
But, looks like all these other bootcamp places are  
outside. Yours is better cause no matter the weather,  
classes are always still on.

I like how some use 0600 hours to make it very  
military like.

It's interesting that the prices are so much less at  
these non-NYC places.

Thinking way out of the box... but what about having  
men only and women only and men/women classes? Just a  
thought. I thought the NY Times article was  
interesting.

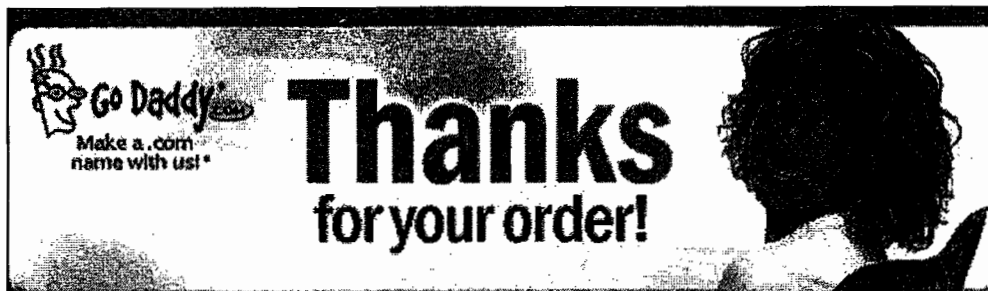
Jennifer J. Lee  
773-230-9115 (cell)  
212-982-5163 (work)  
[www.bobbyflay.com](http://www.bobbyflay.com)



## GoDaddy.com Order Confirmation

From: [sales@godaddy.com](mailto:sales@godaddy.com)  
Sent: Wed 7/25/07 2:15 AM  
To: [kappamarine@hotmail.com](mailto:kappamarine@hotmail.com)

ORDER CONFIRMATION from GODADDY.COM



Tuesday, July 24, 2007 7:14:55 PM

Special Offers & Helpful Hints

Dear Alexander Fell,

Thank you for ordering from GoDaddy.com! This email contains important information regarding your recent purchase — please save it for reference.

CUSTOMER NUMBER: 15519360  
LOGIN NAME: 15519360  
RECEIPT NUMBER: 75430696  
ORDER TOTAL: \$22.18  
CUSTOMER SERVICE: (480) 505-8877

QTY	ITEM	PRICE
1	.COM Domain Name Registration - 1 Year WARRIORFITNESSBOOTCAMP.COM	\$2.19
1	Deluxe Email (1 GB/5 Boxes)	\$19.99
Subtotal:		\$22.18
Shipping & Handling:		\$0.00
Tax:		\$0.00
Total:		\$22.18

### Important Information concerning your purchase:

Domain Registration	Product Info	Legal Agreement
Free Complete Email	Product Info	Legal Agreement
Free Hosting w/ Web Site Builder	Product Info	
Quick Blog	Product Info	Legal Agreement
Starter Web Page or	Product	



Domains are only **\$1.99**  
with any new, non-domain  
purchase. No quantity limit!

**FREE** with  
every domain:

- Hosting\*\*
- Web builder
- Blog
- Personalized Email
- AND MORE!



[Learn more now](#)

Deluxe Hosting - Just \$6.29/mo  
for 12 months! Save 10%! Host  
with 50,000MB space, 500GB  
transfer, FREE software & more!

Deluxe Email - Just \$19.99/yr!  
Advertising-free and protected  
from fraud, spam & viruses!

WebSite Tonight® Deluxe - Just  
\$8.10/mo for 12 months!  
Build your site online in minutes!  
Save 10%!

### How Do I...?

- ▶ Create my [email](#) account?
- ▶ Set up my [hosting](#) account?
- ▶ Receive my [Google® AdWords®](#)  
or [Microsoft® adCenter](#) credit?

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**EMAIL 2**



**RE: Hey Bro**

From: **ALEX FELL** (kappamarine@hotmail.com)  
Sent: Thu 3/13/08 8:41 PM  
To: Jon Milstein (jmilstein@cox.net)

In the city. You still talk to anybody from VCU?

---

From: jmilstein@cox.net  
To: kappamarine@hotmail.com  
Subject: Re: Hey Bro  
Date: Wed, 12 Mar 2008 19:24:25 -0500

I love the fact you went into the hazing business professionally.

So where in New York are you? The city? Or upstate?

----- Original Message -----

**From:** ALEX FELL  
**To:** Jon Milstein  
**Sent:** Wednesday, March 12, 2008 8:44 AM  
**Subject:** RE: Hey Bro

Yeah man, I've been running a boot camp gym up here for the last 3 years and I'm in the process of starting my own with a business partner. It's been a hard process, starting a business. We've been at this now for 8 months but we are close to finalizing a lease deal. I am excited. My business partner is a guy I was in the Marines with and also works with me.

I was a camera operator. I actually went to film school here in New York and planned on really getting into the industry as a Cinematographer. Bought an HD camera and did a couple of jobs. Nothing too serious but then I fell into this job. I love it.

I do know TriCare. I used to have my Dental insurance with you guys. Not surprised you work in some capacity with the government being that you live in NOVA.

It's crazy but I can't believe the time has gone by so quick. Give me a ring if you're ever in town.

Good luck with your interview.

-Alex

---

From: jmilstein@cox.net  
To: kappamarine@hotmail.com  
Subject: Re: Hey Bro  
Date: Wed, 12 Mar 2008 06:56:44 -0500

Dude!

Colin was telling me you run a boot camp? That's so funny! I'm good... I'm in Northern Virginia, where I've been for most of the last 10 years. God, it's strange that it's really been that long. I work as a Curriculum Developer for TRICARE- you know TRICARE, right? I work in the training department. It's boring, I'm actually interviewing for a job tomorrow morning.

But no, I'm not married... still in the dating pool. Man, I actually haven't even been seeing anyone for a few months now, but I think I'm just about to get something started here... not sure though.

Thanks for the video love. A friend and I have entered this thing called the 48 Hour Movie project, so we'll be coming up with a new short soon. Oh, Colin mentioned you were a camera operator? That's really cool man. I actually was doing that a little for just the local cable company here, but then I decided against making a show for public access. Too stupid, no one would watch. It's got to be for the web.

Jon

----- Original Message -----

**From:** Alex Fell

**To:** jmilstein@cox.net

**Sent:** Tuesday, March 11, 2008 8:53 PM

**Subject:** Hey Bro

Jon, what's up man? Colin told me that you guys have been in touch. What's new in the last 10 years? You married? What are you doing for work? Where the hell do you live? Colin sent me the link to your video, funny as hell.

I'm in New York. Things are good. Hope all is well. Keep in touch

-Alex

---

Climb to the top of the charts! Play the word scramble challenge with star power. Play now!

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Climb to the top of the charts! Play the word scramble challenge with star power. Play now!

**EMAIL 3**



Windows Live™

**NW Term - revised**From: **Jennifer J. Lee** (jennifer\_j\_lee@yahoo.com)

Sent: Wed 12/05/07 5:32 PM

To: ALEX FELL (kappamarine@hotmail.com)

Attachments: NW termination.doc (19.6 KB)

Security scan upon download



Hi honey. You certainly do know how to write a business letter! I think it's nearly perfect. I put a few minor tweaks in it. Let me know what you think.

Looks great.

They make me SO mad. I am so sorry about this.

Jennifer J. Lee  
773-230-9115 (cell)  
212-982-5163 (work)  
www.bobbyflay.com

December 5, 2007

Jordan Cohn  
Cristina Hawes-Moore  
Northwest Atlantic, Real Estate Services  
711 Westchester Avenue, 2<sup>nd</sup> Floor  
White Plains, NY 10604

Jordan and Christina:

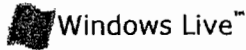
We, Warrior Fitness Boot Camp, are terminating our agreement with you as of December 5, 2007. We feel that you cannot provide us with the level of attention that we need.

Thank you for your time. If you have any questions please call (917) 903-5387.

Thank you,

Warrior Fitness Boot Camp  
Alex Fell, Owner  
Ruben Belliard, Owner

**EMAIL 4**



**RE: Revised proposal 104 w 27**

From: **ALEX FELL** (kappamarine@hotmail.com)  
Sent: Mon 2/11/08 3:09 PM  
To: Ryan Wagner (ryan.nycru@gmail.com)

Send it.

---

Date: Mon, 11 Feb 2008 10:01:51 -0500  
From: ryan.nycru@gmail.com  
To: kappamarine@hotmail.com  
Subject: Re: Revised proposal 104 w 27

Yeah that won't be a problem. The landlord told me they are getting rid if the tenant this month. Do I need to hear back from Ruben also or can I send it to the landlord?

Hope all is well,

Ryan

On Feb 11, 2008 9:56 AM, ALEX FELL <kappamarine@hotmail.com> wrote:

Ryan,

It looks good.

I walked by there this weekend and it looks like there is a store still in business on the first floor. Will we be able to use the elevator or an existing staircase until that tenant leaves?

-Alex

---

Date: Mon, 11 Feb 2008 09:48:52 -0500  
From: ryan.nycru@gmail.com  
To: belliardrd@gmail.com; kappamarine@hotmail.com  
Subject: Revised proposal 104 w 27

Hey Guys,

Please see attached the revised proposal for 104 w 27th. The only thing I changed was the price. Let me know what you guys think so I can send it to the landlord.

Best,

Ryan

--

Ryan Wagner



New York Commercial Realty Services  
462 Broadway, Suite540  
New York, NY 10013

Office: 646-307-6408  
Fax: 212-420-9437

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Need to know the score, the latest news, or you need your Hotmail®-get your "fix". Check it out.

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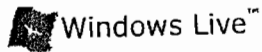
Ryan Magner  
New York Commercial Realty Services  
462 Broadway, Suite540  
New York, NY 10013

Office: 646-307-6408  
Fax: 212-420-9437

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Need to know the score, the latest news, or you need your Hotmail®-get your "fix". Check it out.

**EMAIL 5**

**RE: List of space**

From: **ALEX FELL** (kappamarine@hotmail.com)  
Sent: Mon 2/11/08 5:12 PM  
To: Greg Bonura (gbonura@findnycoffice.com)  
Attachments: Letter v.3.doc (33.9 KB)

Security scan upon download

Greg,

Attached you'll find the info I spoke of. As for the list of spaces, we have already seen the following:

25 w. 26th  
37 w. 26th  
28 w. 27th  
34 w. 27th  
256-260 w. 38th

Also, anything over \$23,000 per month is above our ceiling.

I look forward to hearing from you.

-Alex

---

From: gbonura@findnycoffice.com  
To: kappamarine@hotmail.com  
CC: winslow@findnycoffice.com  
Subject: List of space  
Date: Mon, 11 Feb 2008 11:42:13 -0500

Hi Alex,

Please see a list of space culled from the data base that I will commence to qualify that they'll accept a Physical Fitness training center. The information you mentioned would help. Thanks!

Greg Bonura - Associate

Winslow & Company LLC - Commercial Real Estate

34 West 15th Street, 7th Floor

New York, NY 10011

T: 212.982.8484 x21

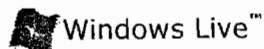
C: 646.526.4091

E: gbonura@findnycoffice.com

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Climb to the top of the charts! Play the word scramble challenge with star power. [Play now!](#)

**EMAIL 6**



(No Subject)

From: **ALEX FELL** (kappamarine@hotmail.com)

Sent: Wed 2/20/08 2:37 PM

To: Jen (jennifer\_j\_lee@yahoo.com)

Hey honey,

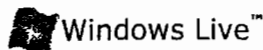
This is the offer for 35th street.

I love you

---

Shed those extra pounds with MSN and The Biggest Loser! Learn more.

**EMAIL 7**

**FW: Warrior Fitness Boot Camp Offer.doc**From: **ALEX FELL** (kappamarine@hotmail.com)

Sent: Wed 2/27/08 3:25 PM

To: ruben (belliardrd@gmail.com); ruben blackberry (belliardrd@tmo.blackberry.net)

Attachments: Warrior Fitness Boot Camp Offer.doc (153.9 KB)

Security scan upon download



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Subject: Warrior Fitness Boot Camp Offer.doc

Date: Wed, 27 Feb 2008 09:40:20 -0500

From: MLevine@newmarkkf.com

To: jeff@kleinsolomon.com; malkie@kleinsolomon.com

CC: HKessler@newmarkkf.com; roni@empirestateequities.com; kappamarine@hotmail.com;  
paul@empirestateequities.com

Jeff,

Please draw leases for the Entire 3rd floor. The terms are attached.

-Matt

**Matthew S. Levine**

Corporate Advisory Services

Newmark Knight Frank

125 Park Avenue

New York, NY 10017

Tel: (212) 372-2285

Fax: (212) 372-2382

mlevine@newmarkkf.com

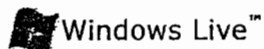
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Climb to the top of the charts! Play the word scramble challenge with star power. Play now!



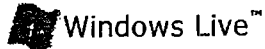
**EMAIL 8**

**(No Subject)****From:** Alex Fell (kappamarine@hotmail.com)**Sent:** Wed 2/27/08 4:35 PM**To:** Sales@hammerheadinc.com

I am interested in your rubberflex flooring. Can you send a pricing sheet please. Looking for approximately 2,000 - 3,000 feet of flooring. Want the most economical option. Also, what do the shipping costs on an amount like this generally run?

Thank you,  
Alex Fell  
kappamarine@hotmail.com

**EMAIL 9**

**RE: Rolled Rubber**

From: **ALEX FELL** (kappamarine@hotmail.com)  
Sent: Thu 2/28/08 3:35 AM  
To: Aaron Duran (aduran@olympicsportsflooring.com)

Aaron,

I did receive your email. I'm looking into it and if I have any questions I'll shoot you an email.

Thanks,

Alex

---

From: aduran@olympicsportsflooring.com  
To: kappamarine@hotmail.com  
Subject: Rolled Rubber  
Date: Wed, 27 Feb 2008 15:31:53 -0600

Alex,

I want to make sure you received the estimate I sent you for ½" Rolled Rubber. Please do not hesitate to email with questions.

You are able to purchase the flooring through our website. Typically the lead time for delivery is 3 weeks.

Again, email with further questions.

Thank you,

Aaron

Aaron Duran

Associate

[aduran@olympicsportsflooring.com](mailto:aduran@olympicsportsflooring.com)

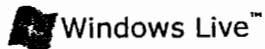
phone: 888.520.0920

fax: 888.737.7650

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**EMAIL 10**

**29th st. Offer**

From: **ALEX FELL** (kappamarine@hotmail.com)  
Sent: Thu 2/28/08 3:49 PM  
To: mschad-garth@nyc.rr.com

Matt Schad,

Lessee- Alexander Fell, Ruben Belliard, Jennifer Lee

Base Rent- \$31

Escalations - 3%

Term- 10 years

Security - 3 Months + Good Guy Guarantee

Concession -5 months

Delivery - April 1

Landlord to deliver space as a white box

We will need 24 hour access. Our operating hours are from 5 a.m. to 9 p.m. 1 Hour Classes are from 5:30-6:30, 6:30-7:30, 7:30-8:30, 9-10 a.m. and 5:30-6:30, 6:30-7:30, 7:30-8:30 p.m. Class size is about 10 people per. We will also conduct personal training session during lunch hour.

Matt if you have any questions let me know

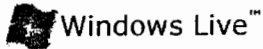
-Alex

---

Helping your favorite cause is as easy as instant messaging. You IM, we give. Learn more.

**EMAIL 11**





**RE: 29 West 35th Street, New York, N.Y.- Lease for 3rd Floor with Warrior Boot Camp LLC**

From: **ALEX FELL** (kappamarine@hotmail.com)  
Sent: Thu 2/28/08 8:40 PM  
To: Levine, Matthew (mlevine@newmarkkf.com)

Great. will look at it and send it to my attorney asap.  
-Alex

---

Subject: 29 West 35th Street, New York, N.Y.- Lease for 3rd Floor with Warrior Boot Camp LLC  
Date: Thu, 28 Feb 2008 15:36:20 -0500  
From: MLevine@newmarkkf.com  
To: kappamarine@hotmail.com  
CC: HKessler@newmarkkf.com; BMendelson@newmarkkf.com

Lease attached.

**Matthew S. Levine**

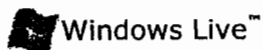
Corporate Advisory Services  
Newmark Knight Frank  
125 Park Avenue  
New York, NY 10017  
Tel: (212) 372-2285  
Fax: (212) 372-2382  
[mlevine@newmarkkf.com](mailto:mlevine@newmarkkf.com)

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**EMAIL 13**



## Warrior Fitness- EIN

From: **Sutera, Geraldine M.** (GSutera@foxrothschild.com)

Sent: Wed 3/05/08 4:11 PM

To: kappamarine@hotmail.com

Attachments: RL1-#702181-v1-Warrior\_Fitness\_SS-4\_EIN.PDF (109.0 KB)

Security scan upon download

Attached for your records is a copy of the Internal Revenue Service correspondence which contains the assigned Employer Identification Number 26-2102073 for Warrior Fitness Boot Camp, LLC. If you have any questions, please contact our office.

**Geraldine M. Sutera**

Paralegal

**Fox Rothschild LLP**

75 Eisenhower Parkway

Roseland, NJ 07068

Direct: (973) 994-7518

Fax: (973) 992-9125

[gsutera@foxrothschild.com](mailto:gsutera@foxrothschild.com)

[www.foxrothschild.com](http://www.foxrothschild.com)

ATTENTION:

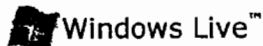
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Thank you.

**EMAIL 14**



## Warrior Fitness

From: **Sutera, Geraldine M.** (GSutera@foxrothschild.com)

Sent: Thu 3/20/08 2:16 PM

To: kappamarine@hotmail.com

Cc: Michaels, Eric J. (EMichaels@foxrothschild.com)

Attachments: RL1-#704076-v1-Warrior\_Fitness\_Art\_of\_Org\_(filed).PDF (135.8 KB) Security scan upon download

Alex,

Attached is a copy of the filed Articles of Organization and the filing receipt.

**Geraldine M. Sutera**  
Paralegal  
**Fox Rothschild LLP**  
75 Eisenhower Parkway  
Roseland, NJ 07068  
Direct: (973) 994-7518  
Fax: (973) 992-9125  
[gsutera@foxrothschild.com](mailto:gsutera@foxrothschild.com)  
[www.foxrothschild.com](http://www.foxrothschild.com)

ATTENTION:

### IRS CIRCULAR 230 DISCLOSURE:

Pursuant to Treasury Regulations, any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used or relied upon by you or any other person, for the purpose of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any tax advice addressed herein.

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Thank you.

***STATE OF NEW YORK***

***DEPARTMENT OF STATE***

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and the official seal of the  
Department of State, at the City of Albany, on  
February 29, 2008.

A handwritten signature in cursive script that reads "Paul LaPointe".

Paul LaPointe  
Special Deputy Secretary of State

080228000203

ARTICLES OF ORGANIZATION  
OF  
WARRIOR FITNESS BOOT CAMP, LLC

Under Section 203 of the Limited Liability Company Law  
of the State of New York

THE UNDERSIGNED, being a natural person of at least eighteen (18) years of age and acting as the organizer of the limited liability company (the "Company") hereby being formed under Section 203 of the Limited Liability Company Law of the State of New York (the "Act") certifies that:

FIRST: The name of the Company is Warrior Fitness Boot Camp, LLC.

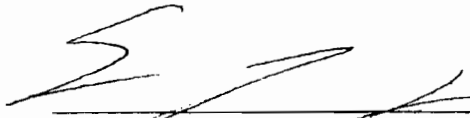
SECOND: The purpose of the Company is to engage in any lawful act or activity for which limited liability companies may be organized under the Act.

THIRD: The county within the State of New York in which the office of the Company is to be located is New York County.

FOURTH: The Secretary of State is designated as the agent of the Company upon whom process against the Company may be served. The post office address within or without the State of New York to which the Secretary of state shall mail a copy of any process against the Company served upon such Secretary of State is 100 Park Avenue, Ste. 1500, New York, New York 10017, Attention: Carolyn Richmond, Esq.

FIFTH: The Company is to be managed by a manager.

IN WITNESS WHEREOF, I have subscribed this certificate and do hereby affirm the foregoing as true under the penalties of perjury this 25<sup>th</sup> day of February, 2008.

  
Eric L. Michaels, Organizer

ARTICLES OF ORGANIZATION  
OF  
WARRIOR FITNESS BOOT CAMP, LLC

080228000203

Under Section 203 of the Limited Liability Company Law

---

Filed by: Eric J. Michaels, Esq.  
c/o Fox Rothschild LLP  
75 Eisenhower Parkway  
Roseland, New Jersey 07068  
(973) 992-4800  
(973) 992-9125 (F)

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STATE OF NEW YORK  
DEPARTMENT OF STATE

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FILING RECEIPT

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ENTITY NAME: WARRIOR FITNESS BOOT CAMP, LLC

DOCUMENT TYPE: ARTICLES OF ORGANIZATION (DOM LLC)

COUNTY: NEWY

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FILED: 02/28/2008 DURATION: \*\*\*\*\* CASH#: 080228000216 FILM #: 080228000203

FILER:

EXIST DATE

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ERIC J. MICHAELS, ESQ.  
C/O FOX ROTHSCHILD LLP  
75 EISENHOWER PARKWAY  
ROSELAND, NJ 07068

-----  
02/28/2008

ADDRESS FOR PROCESS:

-----  
THE LLC  
ATTN: CAROLYN RICHMOND, ESQ.  
NEW YORK, NY 10017

100 PARK AVENUE, STE. 1500

REGISTERED AGENT:

-----

=====

SERVICE COMPANY: \*\* NO SERVICE COMPANY \*\*

SERVICE CODE: 00 \*

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OPAL             0.00  
REFUND           25.00

=====

DOS-1025 (04/2007)



**EMAIL 15**



## WFBC Biz Plan - 3/20/08

From: **Jennifer J. Lee** (jennifer\_j\_lee@yahoo.com)

Sent: Thu 3/20/08 8:28 PM

To: ALEX FELL (kappamarine@hotmail.com)

Attachments: WF\_Plan\_032008.doc (58.9 KB)

Security scan upon download TREND MICRO

Jennifer J. Lee  
212-982-5163 (work)  
[www.bobbyflay.com](http://www.bobbyflay.com)

# Warrior Fitness Boot Camp

Business Plan: March 20, 2008

Alex Fell  
Ruben Belliard

**Disclaimer and Procedures**

This Information Memorandum (the "Memorandum") contains confidential and proprietary ideas, concepts, methods and other information, which belongs exclusively to Warrior Fitness, LLC ("WF" or "the Company"). This Memorandum is based upon information developed by WF and is being delivered to a limited number of parties in consideration developed of a potential investment in the Company (as defined herein the "Transaction"). As a start-up venture, potential investors should recognize that there are significant risks associated with an investment.

The Memorandum has been prepared for informational purposes only and upon the express understanding that it will be used only for the purpose of assisting the recipient in evaluating the transaction. This Memorandum does not purport to be all-inclusive or necessarily to contain all the information that a prospective investor may desire in pursuing the Transaction. WF expressly disclaims any and all liability for the contents of or any omissions from this Memorandum and for any other written or oral communication transmitted or made available to the recipient. This Memorandum contains certain statements, estimates and projections developed by the Company with respect to its historical and anticipated performance, among other things. Such statement and estimates reflect various assumptions (some of which may not be stated) by the Company that are inherently subject to significant economic, competitive and other uncertainties and contingencies beyond the Company's control and that may or may not prove to be accurate. No representations, express or implied, are made as to the accuracy or completeness of such statements or estimates. Only those particular representations and warranties that may be made in a definitive transaction agreement when, and if, executed, and subject to such limitations and restrictions as may be specified in the definitive transaction agreement, shall have any legal effect.

By receipt of this Memorandum, you agree that you are aware of, and that you and your representatives will comply with, the restrictions imposed by Federal and State securities laws, including, without limitation, restrictions that prohibit and person has received material non-public information from a company from purchasing or selling securities of such company or from communicating such information to any other person under circumstances in which it is reasonably foreseeable that such person is likely to purchase or sell securities.

By accepting this Memorandum, the recipients agree to treat the information and ideas herein as strictly confidential and such information shall be kept confidential and the recipient shall not use, disclose, copy or distribute these materials in whole or in part. The recipient agrees not to use or to disclose to any person (i) any information contained herein, (ii) the fact that it has obtained confidential information concerning the Company, (iii) the fact that discussions or negotiations are taking place or have taken place concerning a possible transaction involving the Company, or (iv) any of the terms, conditions or other facts with respect to any such possible transaction.

In furnishing this Memorandum, the Company undertakes no obligation to provide the recipient with access to any additional information or to update or correct any information contained herein. This Memorandum shall not be deemed to represent an indication of the state of affairs of the Company, nor shall it constitute an indication that there has been no change in the business or affairs of the Company since the date hereof.

The Company reserves the right to negotiate with one or more parties at any time. The Company also reserves the right to terminate, at any time, further participation in the investigation and proposed process by any party, to modify any of the rules or procedures set forth herein or any other procedures without prior notice or assigning any reason therefore, or to terminate the process completely hereby. The Company reserves the right to take any action, whether in or out of the ordinary course of business, which WF, in its sole discretion, deems necessary or prudent in the conduct of the Company's business or the process contemplated by this Memorandum.

All inquiries and requests for information should be sent to:

Alex Fell

Ruben Belliard

Warrior Fitness Boot Camp Co-CEOs, Owners



### **Opportunity**

There is a growing need for serious fitness. Obesity is on the rise that affects millions of people worldwide. Risk for diseases such as heart disease and high blood pressure are increasing. The majority of diabetes cases are attributed to excess weight. Annual medical spending for the treatment of obesity or diseases affected by weight issues are also increasing.

Americans want to become more physically fit. Exercise helps prevent heart disease, diabetes, high blood pressure, stroke, arthritis and cancer. Exercise has also proven to reduce stress, anxiety and depression and increase energy and stamina. People who exercise regularly are happier, healthier and live longer.

Warrior Fitness Boot Camp (owned and taught by former Marines) is a completely different fitness experience based on military style physical training that includes a rare indoor obstacle confidence-course that simulates the hard-core training of the elite military forces.

This cutting edge and creative style fitness guarantees results for clients who are referred to as recruits. Moreover, recruits are trained in an encouraging and positive environment where they are encouraged to perform at their highest potential.

This high-energy workout combines cardiovascular fitness with resistance training in a fast-paced class and guarantees visible results. Even in a group environment, each individual is challenged and has a personalized training program, has individualized goals and is pushed at his/her own level and potential.

Military style boot camps are on the rise. They are efficient, an economically beneficial deal (much cheaper than personal trainers) and different from the boring, monotonous gym workouts.

### **Main Concept**

Warrior Fitness is a physical fitness program that includes an indoor obstacle-confidence course.

Customers will participate in an initial 6 week program called Operation Warrior which consists of 4 classes per week (24 sessions) which last 1 hour long for each session.

Classes range from 8-14 people per class, ensuring personal attention and customization to all recruits.

From this initial program, recruits will experience a range of healthy benefits such as weight loss, decrease in clothes size, increase in strength, abundance of confidence, team building and camaraderie, people bonding, perseverance of physical and mental challenges and realization of personal goals.



Clients are trained by former Marines who possess discipline, honor, integrity and fitness talent. These former Marines are referred to as drill instructors that are focused and dedicated to the fitness achievements of the clients.

Recruits are addressed by their last name and required to wear Warrior Fitness attire, which includes fatigues and a Warrior Fitness top.

After Operation Warrior phase is over, customers become official warriors and sign up for extended duty with more intense and personal packages such as an added 24, 48, 72 and 96 session-discounted package. Most warriors will stick to a 4-day a week plan but some will opt to decrease to 3 days a week.

Ultimate Warriors are those who complete Operation Warrior and sign up for a 96 session program. This exclusive membership will feature the biggest discount available (25% off), free double classes and extra personalized consultations.

Warrior Fitness will conduct weekly assessments and fitness tests to gauge fitness improvements. These tests will be recorded to show and document improvement and areas to improve on to maximize individual results.

#### **Alternative Programs**

##### **One-weekend boot camp program**

Once a month, WFBC offers a weekend program that allows clients to participate in a shortened program. Clients come for 2 hours on a Saturday and 2 hours on a Sunday for a specialized and compact workout. There is no guarantee to this program. Cost = \$199.

##### **Corporate Programs**

Corporations can participate in team challenges that put corporations' staff through the program to enhancing team building and communication skills which can help business teams increase productivity in the workplace. WFBC can tailor programs to meet the specific needs of any organization. Cost = \$5999 for 4 hour program

##### **Birthday Parties/Kids Parties**

Various parties can be hosted at WFBC such as kids birthday parties. Drill instructors will help kids maneuver the obstacle course and come up with fun games for teams to participate in. Cost = \$499 for 2 hour party (only includes rental of space and drill instructor time).

##### **Children classes**

During the day, children will have the opportunity to do a one-hour class consisting of both structured and non-structured exercises tailored to the children. This will be done with parent supervision. Cost = TBD

##### **Warrior Fitness Guarantee for Operation Warrior**

Warrior Fitness is commitment to success backs the Operation Warrior phase with a guarantee:

- 1) Strength and Fitness: If you have not improved your strength and fitness levels, you can take Operation Warrior again for free.
- 2) Satisfaction: If you are not satisfied with your improvement, you can take Operation Warrior again for free

Note: To be qualified for this guarantee, you must:

- Attend every session during Operation Warrior (all 24 sessions in 6 weeks),
- Commit to exerting every effort in achieving your hardest workout for every session, and
- Take every assessment and fitness test given.

If these conditions are not met, the guarantee is null and voided. This applies to the Operation Warrior phase only.

### **Mission**

Warrior Fitness Boot camp's mission is to help individuals achieve their personal physical and mental goals for optimal health and wellness. They will achieve this by getting customers fit for life in a stronger, healthier, more confident and empowered state. Warrior Fitness recruits see no boundaries or limits and helps people reach their overall potential.

### **Values**

Warrior Fitness Boot camp is the only boot camp owned and taught by actual former Marines who have first-hand experience of philosophies, training and rigor of military training.

WFB is founded on Marine Corps principles that include:

- Integrity
- Leadership
- Pride
- Discipline
- Endurance
- Excellence
- Knowledge
- Loyalty
- Unselfishness
- Dependability
- **Honor**
- **Courage**
- **Commitment**

In accordance to serving recruits in the spirit of excellence and integrity, WF will inspire maximum participation, promote personal satisfaction and enable healthy lifestyles while treating individuals with dignity and respect.

**Customer Profile/Target Demographics**

A typical WFB customer is one who is health conscious, ambitious, goal-oriented and willing to pay more for a better, efficient, high-intensity/quality workout.

The target WFB audience includes a broad range of customers ranging in age from young adults (age 22-34) with an emphasis on an energetic and health-centered population aged 35-54. This same audience includes those with an average salary base of \$125K and is centered on big-city living and professional careers.

**Fitness Program**

The fitness program will include calisthenics, obstacle course, limited use of weights, and running.

Activities include:

- Obstacle Course
- Stretching
- Running
- Weight Lifting
- Sprints
- Circuit training
- Pushups
- Sit-ups
- Mountain Climbers
- Squat Thrusts
- Jump rope
- Timed exercises
- Calisthenics
- Total body flexibility
- Tractor tires
- Sandbags
- Kickboxing
- Box Drills
- Hurdles
- Monkey Bars

**Fitness Value Proposition**

Sentiments about Marines and their military style training are deeply respected and admired. Moreover, many civilians are curious about military style training but do not wish to enlist to experience this and therefore, military boot camp is out of reach to many customers. With WFBC, customers will have easy access to boot camp training and will be a different experience from a typical gym.

With an indoor confidence building course trained by actual former Marines, WFB is poised to attract a wider market of customer who will come to train military style. They

will feel like they are part of a platoon and become bonded as a close-knit group that encourages everyone to maximize their fitness level and supports and encourages one another.

#### **Fitness Industry Marketplace**

According to the International Health, Racquet & Sportsclub Association, the health and fitness industry in the US exceeded \$17.5 billion dollars in 2006 and will continue to grow.

According to *Entrepreneur* magazine, there are over 40 million health club members in the United States. However, 90% of Americans have yet to join a gym.

Some of the health clubs competitors in NYC:

- New York Sports Club
- Equinox
- Bally's Sports Clubs
- New York Health and Racquet Club
- Reebok Sports Club/ NY
- The Sports Club/ LA
- Crunch Fitness
- David Barton
- Synergy Fitness

The fitness industry also consists of personal trainers, yoga/pilates studios and other alternative exercise programs, such as Radu.

#### **Bootcamp Competitor Landscape**

The trend for fitness is for more extreme activities such as commercial boot camps. This is a new and growing segment in the health and fitness industry. Therefore, data does not exist for commercial boot camps in comparison to health clubs and gyms.

Some boot camp competitors through the US:

- Pure Power Boot Camp, NYC
- Boot Camp Fitness, Kansas City
- Jay Johnson's Bootcamp Fitness, Texas
- Platoon Fitness, NYC
- Start Fitness, San Fran, CA
- Boot Camp Fitness, Brooklyn NY
- CTS Fitness Bootcamp, NYC and Hoboken, NJ

- Bulldog Bootcamp, Chicago, IL
- Adventure Bootcamp, Rancho Santa Margarita, CA

### **Target Locations**

WFBC attracts clients from different professions and socioeconomic classes. However, because of the prices are higher than a typical gym membership, clients have slightly more income. And, clients that are willing to pay more expect a more efficient workout to make the best use of their time. Therefore, market location is key to getting the right clientele.

The best markets to target revolve around big cities such as:  
NYC, Washington D.C., Philadelphia, Chicago, San Francisco, Los Angeles

### **Hours of Operation**

Monday through Friday:  
5 am – 9 pm

Saturday:  
9:30 am – 12 pm

Weekend program (first weekend of each month)  
Saturday 2-4  
Sunday 2-4

### **Pricing**

Operation Warrior (6 week program) = \$1049 which is \$43.70 per session

24 add-on session (no discount) = \$1049  
48 add-on session (10% discount which is \$210 off) = \$1888  
72 add-on session (15% discount which is \$471 off) = \$2675  
96 add-on session (25% discount which is \$1048 off) = \$3147

Weekend Program = \$199 (4 hours divided by 24 = 1/6. 1/6 of \$1049 = \$175).  
Corporate Program = \$5999 for 4 hours  
Kid Party Program = \$499 for 1.5 hours

### **Marketing Plan**

Marketing efforts will build positive brand awareness among potential customers.

WFBC marketing initiatives include:

- Referrals: Word of mouth and referrals are the most effective and direct way to generate more clients. Therefore, WFBC will implement a referral program in which a client who refers a new client to join the program will receive 5 free



sessions when renews for an added session program. This ensures that a new client joins but that the referring client will renew, resulting in a guarantee of more business.

- **Email Newsletter Blasts:** WFBC has access to email contact information for clients interested in extreme fitness. Email blasts communicating the launch of WFBC and other relevant information will be emailed to potential and existing customers.
- **Public Relations:** Connections with certain celebrities and media outlets will contribute to free advertising. Extreme and unique nature of boot camp will also attract various media outlets which will contribute to our PR efforts.
- **Open House:** WFBC will conduct an open house that will show potential clients what the boot camp is about. Current clients will also participate and encouraged to bring other potential contacts to the open house. This will occur during the first few months after the opening and will be a good way to showcase the business and invite press to participate.
- **Sporting event participation:** WFBC will have presence at sporting events such as marathons, biathlons, urbanathlons and other races/athletic events by participating in the events and handing out brochures to give to potential clients. This is also a great opportunity for both WFBC staff and clients to sell and talk to potential clients about the boot camp.
- **Clothing:** Clients will wear WFBC apparel which will be walking advertisements.
- **Jeep with logo:** WFBC will have a jeep with the logo and contact information which will be used as an advertisement.
- **Tradeshows:** WFBC will participate in fitness tradeshows and conferences to network with others in the industry and gather new ideas in recruiting clients for their business.
- **Print Materials:** WFBC will have business cards and brochures to help promote the business.
- **Outdoor Signage:** WFBC will hang a flag outside the boot camp for advertisement purposes.
- **Special Events:** WFBC will hold events that will continue to promote the business (holiday parties, open houses, etc).

**Facilities/Course Description (with graphic/drawing)**

The NYC model facility will include 7,000 square feet of open space consisting of an obstacle course with crushed rubber on the floor, racetrack, bathrooms and/or locker rooms, reception desk and an office.

### **Startup Costs**

High-level startup costs breakdown:

Security deposit = \$46,000  
1<sup>st</sup> month's rent = \$23,000  
Construction of Course and Equipment = \$35,000  
Construction of offices/reception area =  
Construction of shower/locker room =  
Lawyer fees = \$10,000  
Supplies (uniforms, office supplies, towels) = \$5,000  
Furniture = \$2,500  
Computers = \$2,500  
Advertising =  
Insurance =  
Utilities =

Total startup costs = \$119,000

### **Breakeven Analysis**

To break even the first year, WFBC must have 63 clients at all times.

### **Revenue Goals and Projection**

WFBC aims to have 250 clients at all times for Year 1. This will give a revenue projection of \$1.2M for the first year.

### **Corporate Structure and Ownership**

WF is a privately held company that is incorporated as an LLC in New York State. Alex Fell and Ruben Belliard are currently sole partners and shareholders in the Company. The Company will be the sole investor in the first location.

### **Management and Team**

#### **Alex Fell (Co-CEO, Owner)**

Alex Fell is the Co-CEO and Owner of Warrior Fitness Boot Camp and is one of the three guarantors on the lease. Alex is a former Marine who served for the Marine Corps for 7 years. His educational background includes a BA in ??? from ???. His career consists of ???

#### **Ruben Belliard (Co-CEO, Owner)**

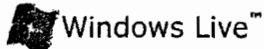
Ruben Belliard is the Co-CEO and Owner of Warrior Fitness Boot Camp and is one of the three guarantors on the lease. Ruben is a former Marine who served for the Marine Corps for ? years, including serving time in Iraq. His educational background includes a BA in ??? from ???. His career consists of ???

**Jennifer Lee (Silent Partner, Co-Guarantor)**

Jennifer Lee is a silent partner of the business and one of the three guarantors on the lease. Her educational background includes a BA in Economics from Northwestern University and an MBA in Finance and Strategy from The Wharton School of Business at the University of Pennsylvania. Her corporate background includes over 10 years of management consulting and 2 years of public service at the NYC Department of Education. Currently, she is an Executive for Celebrity Chef Bobby Flay.



**EMAIL 16**



RE: Hey Bro

From: ALEX FELL (kappamarine@hotmail.com)  
Sent: Sat 3/15/08 5:06 PM  
To: jmilstein@cox.net

Warrior Fitness Boot Camp. Have a good weekend

> Date: Fri, 14 Mar 2008 16:18:16 -0400  
> From: jmilstein@cox.net  
> To: kappamarine@hotmail.com  
> Subject: RE: Hey Bro  
>

> That sounds really cool man, congrats. It sounds great. What's the name of your business?  
>

> I'm sorry about the Laura situation, but I guess you found someone new, so that's cool.  
>

> I am bored as hell here, just waiting until 5. But at least it's been a lazy Friday... I've had bad luck here with lots of busy stressful Fridays for some random reason. It's also super nice out, so sitting here in the office is not bliss.  
>

> ---- ALEX FELL <kappamarine@hotmail.com> wrote:  
>

> > Yeah, Laura and I broke up about a year ago. We were engaged to be married and she moved up here. We bought an apartment together, but it didn't work out.  
>

> > As far as what I do, I am a fitness trainer basically. Classes are 1 hour long and you come 4 days a week. The first time you sign up, it's a 6 week program. After that, you can sign up again for as long as you want. 6 weeks, 8 weeks, 12 weeks and even 6 months if you choose. We have an indoor obstacle course that we have our clients run and also incorporate calisthenics (ex: jumping jacks) bodyweight exercises (push ups, squat thrusts) and also traditional workout routines with weights. A lot of "functional training" for the body. A lot of running, etc... Just like Boot Camp.  
>

> > I love it.

> > When we get our website up and running I'll send the url. Should happen within the next couple of weeks. Lawyers are still negotiating the lease for us but we should be close to the last round of negotiations. I am super anxious to get it started.  
>

> > From: jmilstein@cox.net To: kappamarine@hotmail.com Subject: Re: Hey Bro Date: Thu, 13 Mar 2008 19:03:17 -0500  
>

> > oh you are? Cool. Yo, Colin said you had been dating Laura from tri-Sig in recent history, that is so weird. You bumped into her randomly or something? But I'm glad to hear that's over now... you guys had much drama.  
>

> > Rob was a spastic guy and his nickname was "Gnat." He was a freshman when I was on my last year, so you may not have known him. But didn't you move back and live with Cuttler? Or was that just for a summer? He has blond hair anyway. Do you do Myspace? You should if not. We can be Myspace friends. And that's serious shit.  
>

> > Yeah - I am definitely taking the job, but they kind of lowballed me on the salary so I need to make a counteroffer. But I think if they can just give me a little more I'll be psyched. At the job I'm leaving I have a good friend, this girl, who I'm going to miss pretty bad. But I need to get the hell out of there because I'm just hopelessly into her, and she apparently doesn't want to be more than friends, so it's hard. But getting out of the environment will be just what I need.

> >  
> > So what do you do exactly with the boot camp thing?  
> >  
> > ----- Original Message -----  
> > From: ALEX FELL  
> > To: jmilstein@cox.net  
> > Sent: Thursday, March 13, 2008 4:02 PM  
> > Subject: RE: Hey Bro  
> > Congrats dude! What's the job? You're gonna take it right? I'm trying to place Rob. I can't remeber his face. When did he pledge? That's funny. I'm dating a Korean chick too. > Date: Thu, 13 Mar 2008 16:55:11 -0400> From: jmilstein@cox.net> To: kappamarine@hotmail.com> Subject: RE: Hey Bro> > I reconnected with Rob Reeve after I visited VCU a couple years ago. I was hanging out with Reggie and Andrew Alisuag a little too, but Alisaug turned out to be a fucking faggot piece of shit (somewhat long story) and I think he hangs out with Reggie too much for me to bother.> > So I just hang out with Rob occassionally. He's married to an attractive older Korean chick. He did well. > > Hey man, I interviewed for a job this morning and I just now got the call back from the recruiter- they offered me the job! I am quite happy. I want out of this place badly.> > ---- ALEX FELL <kappamarine@hotmail.com> wrote: > >  
> > In the city. You still talk to anybody from VCU? > > > > > From: jmilstein@cox.netTo: kappamarine@hotmail.comSubject: Re: Hey BroDate: Wed, 12 Mar 2008 19:24:25 -0500> > > > >  
> > I love the fact you went into the hazing business professionally. > > > > So where in New York are you? The city? Or upstate?> > > > ----- Original Message ----- > > From: ALEX FELL > > To: Jon Milstein  
> > Sent: Wednesday, March 12, 2008 8:44 AM> > Subject: RE: Hey Bro> > Yeah man, I've been running a boot camp gym up here for the last 3 years and I'm in the process of starting my own with a business partner. It's been a hard process, starting a business. We've been at this now for 8 months but we are close to finalizing a lease deal. I am excited. My business partner is a guy I was in the Marines with and also works with me. I was a camera operator. I actually went to film school here in New York and planned on really getting into the industry as a Cinematographer. Bought an HD camera and did a couple of jobs. Nothing too serious but then I fell into this job. I love it. I do know TriCare. I used to have my Dental insurance with you guys. Not surprised you work in some capacity with the government being that you live in NOVA. It's crazy but I can't believe the time has gone by so quick. Give me a ring if you're ever in town. Good luck with your interview. -Alex> > > > > From: jmilstein@cox.netTo: kappamarine@hotmail.comSubject: Re: Hey BroDate: Wed, 12 Mar 2008 06:56:44 -0500> > > > >  
> > Dude!> > > > Colin was telling me you run a boot camp? That's so funny! I'm good... I'm in Northern Virginia, where I've been for most of the last 10 years. God, its strange that it's really been that long. I work as a Curriculum Developer for TRICARE- you know TRICARE, right? I work in the training department. It's boring, I'm actually interviewing for a job tomorrow morning.> > > > But no, I'm not married... still in the dating pool. Man, I actually haven't even been seeing anyone for a few months now, but I think I'm just about to get something started here... not sure though. > > > > Thanks for the video love. A friend and I have entered this thing called the 48 Hour Movie project, so we'll be coming up with a new short soon. Oh, Colin mentioned you were a camera operator? That's really cool man. I actually was doing that a little for just the local cable company here, but then I decided against making a show for public access. Too stupid, no one would watch. It's got to be for the web.> > > > Jon> > > > -----  
> > Original Message ----- > > From: Alex Fell > > To: jmilstein@cox.net > > Sent: Tuesday, March 11, 2008 8:53 PM> > Subject: Hey Bro> > > > Jon, what's up man? Colin told me that you guys have been in touch. What's new in the last 10 years? You married? What are you doing for work? Where the hell do you live? Colin sent me the link to your video, funny as hell. > > I'm in New York. Things are good. Hope all is well. Keep in touch> > > > -Alex > > > > Climb to the top of the charts! Play the word scramble challenge with star power. Play now! > >

> > Climb to the top of the charts! Play the word scramble challenge with star power.> > [http://club.live.com/star\\_shuffle.aspx?icid=starshuffle\\_wlmailtextlink\\_jan](http://club.live.com/star_shuffle.aspx?icid=starshuffle_wlmailtextlink_jan)>

> >  
> > Climb to the top of the charts! Play the word scramble challenge with star power. Play now!  
> >

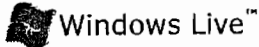
> > Shed those extra pounds with MSN and The Biggest Loser!

> > <http://biggestloser.msn.com/>

>

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**EMAIL 17**



RE:

From: **ALEX FELL** (kappamarine@hotmail.com)  
 Sent: Mon 3/17/08 2:51 PM  
 To: Jennifer J. Lee (jennifer\_j\_lee@yahoo.com)

I don't really believe it, but the more we make her think that I'm moving on, the better. I think it looks better when I file the claim for unemployment and it may soften her up and change her mind if she was going to deny my claim for unemployment. That way I don't have to try and take her to small claims court.

> Date: Mon, 17 Mar 2008 07:38:38 -0700  
 > From: jennifer\_j\_lee@yahoo.com  
 > Subject: RE:  
 > To: kappamarine@hotmail.com  
 >  
 > Wait, did you really? You are writing Lauren, Thank  
 > you for the opportunities?  
 >  
 > I told Steph and Charlotte (via email) and Charlotte  
 > wants you to call her and hang out with her since she  
 > doesn't have a job and is bored. HA HA.  
 >  
 >  
 > --- ALEX FELL <kappamarine@hotmail.com> wrote:  
 >  
 > >  
 > > That was my first draft, but then I took Carolyn's  
 > > advice. You're so funny.  
 > > I love you> Date: Mon, 17 Mar 2008 07:25:36 -0700>  
 > > From: jennifer\_j\_lee@yahoo.com> Subject: Re: FW:>  
 > > To: kappamarine@hotmail.com> > Opportunities you  
 > > gave me? > > Well, then, you should email her this:  
 > > > Dear Classless Lauren,> > Thank you for giving  
 > > me the opportunities in the past.> I intend to use  
 > > all my learnings on how NOT to run a> business,  
 > > using you as my role-model, when I open my> own  
 > > business. > > And, I will make sure that when your  
 > > clients come to> me, I will tell them all the things  
 > > you did so that I> don't run the business anywhere  
 > > the same like you did.> > > Good luck in your  
 > > miserable, pathetic and lonely life,> you will need  
 > > it. > > --- ALEX FELL <kappamarine@hotmail.com>  
 > > wrote:> > > > > > > > Subject: Re:Date: Mon,  
 > > 17 Mar 2008 10:11:26> > -0400From:  
 > > CRichmond@foxrothschild.comTo:> >  
 > > kappamarine@hotmail.com> > > > Hi. I'm in Vegas now  
 > > getting ready to give a speech> > in a few. However,  
 > > yes you can and should file for> > unemployment.  
 > > Unfortunately, unless she made> > "discriminatory"  
 > > remarks based on national origin,> > gender, race,  
 > > sexual harassment etc, there really> > isn't a claim  
 > > just because she is a nasty bitch.> > What you can  
 > > do is "confirm" that she terminated you> > for the  
 > > reasons she stated and send back an email> > stating  
 > > something like "while I do not believe> > giving  
 > > away my hours and terminating me for not> > being a



> > team player was a way to end our> > relationship  
> > after all these years, I appreciate the> >  
> > opportunities you gave me". Then add a line about> >  
> > any vacation time she may owe you, and if you get> >  
> > health insurance, confirm that she will be sending>  
> > cobra forms. Carolyn D. RichmondCarolyn D.  
> > Richmond,> > Esq.Fox Rothschild, LLP212 878.7983212  
> > 692.0940> > fax100 Park AvenueNew York, NY 10017Sent  
> > from my> > BlackBerry Wireless Device-----Original>  
> > Message-----From: ALEX FELL> >  
> > <kappamarine@hotmail.com>To: Richmond, Carolyn> >  
> > D.Sent: Sun Mar 16 20:19:31 2008Subject:Hey  
> > Carolyn,> > Lauren Brenner (my boss) just fired me  
> > from Pure> > Power Boot Camp. She called me tonight  
> > at 7:50 to> > tell me that she is giving some of my  
> > hours to> > another trainer and that she has to make  
> > it fair for> > everybody and do right by him. When I  
> > pointed out> > that the other trainer has just as  
> > many hours as me> > and that now she is not doing  
> > right by me, she> > hurled some expletives at me,  
> > tells me I'm not a> > team player, and proceeds to  
> > tell me that I have a> > bad attitude. Honestly,  
> > I was not getting angry. I> > explained that she was  
> > being quite unprofessional> > and I don't appreciate  
> > her cursing at me. Jen was> > sitting here listening  
> > the entire time.So, I was> > wondering if I file for  
> > unemployment, and possibly> > file a complaint with  
> > the labor department, can she> > use this against me  
> > when we open our business? This> > is not the first  
> > time that she has treated employees> > this way. I  
> > can think of 2 other employees off the> > top of my  
> > head who have been cursed at and told they> > were  
> > fired for no other reason than defending> >  
> > themselves against her vicious attacks.Any guidance>  
> > > would be extremely helpful.Thank you,Alex> >  
> > Fell\_\_\_\_\_Shed those  
> > extra> > pounds with MSN and The Biggest Loser!  
> > Learn more.> >  
> > <<http://biggestloser.msn.com/>>ATTENTION:> > > IRS  
> > CIRCULAR 230 DISCLOSURE:> > Pursuant to Treasury  
> > Regulations, any tax advice> > contained in this  
> > communication> > (including any attachments) is not  
> > intended or> > written to be used, and cannot be> >  
> > used or relied upon by you or any other person, for>  
> > > the purpose of (i) avoiding> > penalties under the  
> > Internal Revenue Code, or (ii)> > promoting,  
> > marketing or> > recommending to another party any  
> > tax advice> > addressed herein.> >  
> > -----> >  
> > This e-mail contains PRIVILEGED AND CONFIDENTIAL> >  
> > INFORMATION intended only for> > the use of the  
> > Individual(s) named above. If you are> > not the  
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> > received this e-mail in error,> > please immediately

> > notify us by telephone at> > (215)-299-2167 or  
> > notify us by> > e-mail at  
> > helpdesk@foxrothschild.com. Also, please> > mail a  
> > hardcopy of the e-mail> > to Fox Rothschild LLP,  
> > 2000 Market Street,> > Philadelphia PA 19103-3291  
> > via the> > U.S. Postal Service. We will reimburse  
> > you for all> > expenses incurred.> > > Thank you.>  
> > > > > >

> >

> \_\_\_\_\_>

> > > Shed those extra pounds with MSN and The Biggest>

> > > Loser!> > <http://biggestloser.msn.com/>> > >

> > Jennifer J. Lee > 212-982-5163 (work) >

> > [www.bobbyflay.com](http://www.bobbyflay.com)> >

> >

> \_\_\_\_\_

> > Climb to the top of the charts! Play the word

> > scramble challenge with star power.

> >

> [http://club.live.com/star\\_shuffle.aspx?icid=starshuffle\\_wlmailtextlink\\_jan](http://club.live.com/star_shuffle.aspx?icid=starshuffle_wlmailtextlink_jan)

>

>

> Jennifer J. Lee

> 212-982-5163 (work)

> [www.bobbyflay.com](http://www.bobbyflay.com)

>

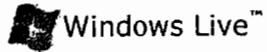
>

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**EMAIL 18**



## FW: Touching base

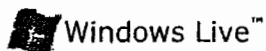
From: **ALEX FELL** (kappamarine@hotmail.com)  
Sent: Mon 3/24/08 1:33 PM  
To: Jen (jennifer\_j\_lee@yahoo.com)

> To: Kappamarine@hotmail.com  
> Subject: Touching base  
> From: cemaddock@rcn.com  
> Date: Mon, 24 Mar 2008 13:06:21 +0000  
>  
> Alex-  
>  
> I was sorry to learn what happened and I am sorry I didn't say anything earlier. I wasn't sure it was appropriate for me to say anything (since I did not know what really happened, but lee has filled me in). Anyway, I hope you are ok and that you will find something when you are ready. Do you have any ideas what you would like to do? It will definitely not be the same without you. :)  
>  
> I did have a pft on saturday, it went better than I expected. The problem is that I had it and let it slip away. The gunnery sergeant said I should have passed I mentally let it go. The arm hang was worse than normal when I practice with Lee, but my technique was not great so that will be better. The abs perfect, again form could be better. The run was surprisingly good. I did the first mile and half in 12 minutes; the gunny told me that I was within regulation all I had to do was shave off a minute on the way back. I pushed too hard at first, cramped, slowed at the last quarter mile so I basically quit. The gunny met me, pushed me, I sprinted all out making her work hard to keep up, but I gave up!!!!!!  
> Basically I had a mental block, even the gunny said I should have made it. I also was not running that fast in practice (I felt the same though during the test) so I did not think I could do it. Lack of confidence, not acceptable, not excusable, not forgivable. However, I think I know how much harder I need to push these last two weeks to make e gain that confidence. I also learned that I don't like running alone.  
>  
> Anyway, if you ever want to run. I am close to the east river fields, or west side highway. I would also love to have lunch/drinks/coffee (my treat after all you have done)  
>  
> Anyway, although late, please accept my best.  
>  
> Maddock  
> Sent via BlackBerry from T-Mobile

---


Test your Star IQ Play now!

**EMAIL 19**



## Fwd: Party List 3/25/08

From: **Jennifer J. Lee** (jennifer\_j\_lee@yahoo.com)  
Sent: Tue 3/25/08 9:06 PM  
To: ALEX FELL (kappamarine@hotmail.com)  
Attachments: Jen and Nancy Party List 032508.xls (48.6 KB)

Security scan upon download 

--- "Jennifer J. Lee" <jennifer\_j\_lee@yahoo.com>  
wrote:

> Date: Tue, 25 Mar 2008 14:06:09 -0700 (PDT)  
> From: "Jennifer J. Lee" <jennifer\_j\_lee@yahoo.com>  
> Subject: Party List 3/25/08  
> To: Alex Fell <afell@tmo.blackberry.net>  
>  
>  
>  
>  
> Jennifer J. Lee  
> 212-982-5163 (work)  
> www.bobbyflay.com  
>  
>

Jennifer J. Lee  
212-982-5163 (work)  
www.bobbyflay.com

# Jen and Nancy's Party List

	A	B	C	D	E	F	G
1	Last	First	Email	Phone	Contact	Y/M/P	Comment
34	Deckoff	Hillary			R/Nancy	M	
35	Grimmer	Jenny			R	M	haven't talked yet
36	Halpin	Jen bro			Jen	M	prob
37	Halpin	Jen sis			Jen	M	prob
38	Hooch				Nancy	M	heart charger 6pm; haven't talked yet
39	Hsieh				Jen	M	haven't talked yet
40	Jortner	Jill			Jen	M	
41	Caine	Chene			Jen	M	6:30 class
42	O'Hara	Lauren			Jen	M	
43	Sose	Holly			Nancy	M	haven't talked yet
44	Stranko	Matt			Jen	M	Need to confirm
45	Viard	Shannon			R	M	haven't talked yet
46	Zaikelm	Sloan			Jen	M	prob
47	Zaikelm	Alan			Jen	M	prob
48		Susie			Jen	M	bobby cousin
49	Maddock	Christine			Jen	M	
50	Sarraga	Patricia			Dale		
51	Livornese	Paul			Jen	Y	after biking season
52	Crotty	Kelly			A	Y	
53	Nocelli	Michele			Jen	M	
54	Nocelli	Gina			Jen	M	
55	Wilson				A	Y	9am
56	Valentino				A	Y	9am
57	Cullen	Kevin			A	M	5:30am
58	Wong	Anna			A	Y	7:30am
59	Johnson				A	M	noon
60	Gibbons	Jorie			Jen	M	
61	Cohen	Amanda			A	M	6pm
62	Degen	Michelle			Jen	M	6:30am
63	Fierman	Sarina			Jen	M	6:30am
64	Appel	Len			Jen	M	6:30am
65							
66							
67							

# Jen and Nancy's Party List

	A	B	C	D	E	F	G
1	Last	First	Email	Phone	Contact	Y/M/P	Comment
68	Chapin	Alison			Nancy	P	haven't talked yet
69	Davis	Nichole			R/Nancy	P	84 sessions left
70	Ferrier	Andrew			Nancy	P	haven't talked yet
71	Lapeters	Robin			Nancy	P	haven't talked yet
72	Newsome	Leigh			Nancy	P	haven't talked yet
73	Rockoff	Josh			Nancy	P	haven't talked yet
74	Ruhen	Jamin			Nancy	P	haven't talked yet
75	Kramer	David			Jen	P	haven't talked yet
76	Bertuna				Ruben		
77	Basmajian	Diana			Jen	P	haven't talked yet
78	Carruso					P	
79	Arrichia					P	
80	Russell					P	7:30am
81	Iacobelli					P	5:30am
82	Wertheim	Elie			A	P	
	Stranko					P	5:30am
83	girlfriend						
84	Lorrichio					P	7:30am
85	Aquillino	Jill			Jen	P	
86	Stauss					P	
87	Chopra						
88		Stephan			Jen	P	Renee's friend

**EMAIL 20**

Windows Live


**Fw: Revised Lease**

From: afell@tmo.blackberry.net

Sent: Mon 3/31/08 6:15 PM

To: Me (kappamarine@hotmail.com)

Attachments: WarriorBootCamp.Rider033108.pdf (3.8 MB), WarriorBootCamp.REBNY031208.pdf (751.2 KB), WarriorBootCamp.footnotes031208.pdf (42.4 KB)

Security scan upon download 

Sent from my BlackBerry wireless handheld.

-----Original Message-----

From: "Levine, Matthew" <MLEvine@newmarkkf.com>

Date: Mon, 31 Mar 2008 14:12:19

To: <afell@tmo.blackberry.net>

Subject: FW: Revised Lease

-----  
From: devorah weinschneider (mailto:devow2002@yahoo.com)

Sent: Monday, March 31, 2008 1:22 PM

To: stuartantell@yahoo.com

Cc: Jeff@kleinsolomon.com; devorah weinschneider; Levine, Matthew

Subject: Revised Lease

Stuart,

I am emailing this to you at your private email address as my previous emails to your firm address have failed.

Please see attached:

1. Redline rider incorporating all changes since the original draft; and
2. REBNY form; and
3. Footnotes to lease.

It is my understanding from Matt Levine, the broker, that your client is prepared to execute the lease today. Based on that understanding I have noti

Please contact me as soon as possible with any questions with respect to the attached.

Sincerely,

Devorah S. Weinschneider

-----  
OMG, Sweet deal for Yahoo! users/friends: Get

A Month of Blockbuster Total Access, No Cost. <[http://us.rd.yahoo.com/evt=47520/\\*http://tc.deals.yahoo.com/tc/blockbuster/text2.com](http://us.rd.yahoo.com/evt=47520/*http://tc.deals.yahoo.com/tc/blockbuster/text2.com)> W00t



RIDER to Agreement of Lease,  
dated as of ~~April~~February, 2008  
between

HERALD SQUARE OF DELAWARE LLC and  
TWIN HOLDINGS OF DELAWARE LLC (collectively "Landlord"),  
and  
Warrior Fitness Boot Camp, LLC  
("Tenant")

At  
ENTIRE 3rd FLOOR, 29 WEST 35<sup>TH</sup> STREET, NEW YORK, NY (see Exhibit "A")

If any provision of this Rider conflicts or is inconsistent with any provision of Articles 1 through 36 of this Lease, the provision of this Rider shall prevail and govern and such provision of Articles 1 through 36 shall be deemed amended accordingly.

**37. COMMENCEMENT DATE; RENT COMMENCEMENT DATE; BASIC RENT.**

A. This Lease shall commence on the date of mutual execution and delivery of this Lease ("Commencement Date"). Tenant covenants to pay to Landlord fixed rent (the "Fixed Rent" or "Basic Rent"), commencing on the Commencement Date (the "Rent Commencement Date") and ending on the date that is immediately preceding the tenth (10th) year, anniversary of the Commencement Date (the "Expiration Date") at an annual rate, not including electricity charges subject to Paragraph 42 below, as follows:

- (i) From the Rent Commencement Date until the day immediately preceding the first anniversary of the Rent Commencement Date: Two hundred seventy-one thousand seven hundred and 00/100 (\$271,700.00) Dollars annually (\$22,641.67 monthly);
- (ii) From the first anniversary of the Rent Commencement Date until the day immediately preceding the second anniversary of the Rent Commencement Date: Two hundred seventy-nine thousand eight hundred fifty one and 00/100 (\$279,851.00) Dollars annually (\$23,320.92 monthly);
- (iii) From the second anniversary of the Rent Commencement Date until the day immediately preceding the third anniversary of the Rent Commencement Date: Two hundred eighty eight thousand two hundred forty-six and 53/100 (\$288,246.53) Dollars annually (\$24,020.54 monthly);
- (iv) From the third anniversary of the Rent Commencement Date until the day immediately preceding the fourth anniversary of the Rent Commencement Date: Two hundred ninety-six thousand eight hundred ninety-three and 93/100 (\$296,893.93) Dollars annually (\$24,741.16 monthly);
- (v) From the fourth anniversary of the Rent Commencement date through the day immediately preceding the fifth anniversary of the Rent Commencement Date: Three hundred five thousand eight hundred and 75/100 (\$305,800.75) Dollars annually (\$25,483.40 monthly);
- (vi) From the fifth anniversary of the Rent Commencement date through the day immediately preceding the sixth anniversary of the Rent Commencement Date: Three hundred fourteen thousand nine hundred seventy-four and 77/100 (\$314,974.77) Dollars annually (\$26,247.90 monthly);

1

**EXHIBIT "B"****GUARANTEE**

Agreement dated as of ~~April~~February \_\_, 2008 by Alexander Fell with an address at \_\_\_\_\_ ("Fell"), Ruben Belliard with an address at \_\_\_\_\_ ("Belliard"), and Jennifer Lee with an address at \_\_\_\_\_ ("Lee") ("Fell" Belliard and "Lee" being collectively referred to as "Principal" or "Guarantor").

**RECITALS**

A. **Warrior Fitness Boot Camp, LLC** ("Tenant"), is party to a lease ("Lease"), with **HERALD SQUARE OF DELAWARE LLC and TWIN HOLDINGS OF DELAWARE LLC** (collectively "Landlord"), whereby Tenant has leased from Landlord the entire third (3rd) Floor (the "Demised Premises") in the building known as 29 West 35<sup>th</sup> Street, New York, New York.

B. Landlord has requested Principal to guarantee to Landlord that if Tenant defaults under the Lease, Tenant will vacate the Demised Premises, and to personally guarantee the payment of all rent and additional rent owed by Tenant until Tenant has surrendered the Demised Premises, as provided for herein.

C. Accordingly, Principal agrees as follows:

1. Principal guarantees to Landlord the payment and performance of all of Tenant's monetary obligations under and in accordance with the Lease, including, without limitation, the payment of fixed and additional rent (the "Obligations"). This is a guarantee of payment and not only of collection. Guarantor's liability pursuant to this guarantee shall be limited to the sum of Obligations which accrue up to the date that is the last to occur of: (a) Tenant vacating the Demised Premises; (b) Tenant removing its property from the Demised Premises; (c) Tenant delivering the keys to Landlord and surrendering the Demised Premises in accordance with the Lease; and (d) the expiration of two (2) full~~three (3)~~ full calendar months after the date that Tenant has given Landlord written notice that it will surrender possession of the Demised Premises. Landlord may, at its option, proceed against Principal and Tenant, jointly and severally, or Landlord may proceed against Principal under this Agreement without commencing any suit or proceeding of any kind against Tenant, or without having obtained any judgment against Tenant.

2. The obligations of Principal under this Agreement are unconditional, are not subject to any set-off or defense based upon any claim Principal may have against Landlord, and will remain in full force and effect without regard to any circumstance or condition, including, without limitation: (a) any modification or extension of the Lease (except that the liability of Principal hereunder will apply to the Lease as so modified or extended); (b) any exercise or non-exercise by Landlord of any right or remedy in respect of the Lease, or any waiver, consent or other action, or omission, in respect of the Lease or (c) any transfer by Landlord or Tenant in respect of the Lease or any interest in the Demised Premises; (d) any bankruptcy, insolvency, receivership, reorganization, composition, adjustment, dissolution, liquidation or other like proceeding involving or affecting Landlord or Tenant or their obligations, properties or creditors, or any action taken with respect to such obligations or properties or the Lease, by any trustee or receiver of Landlord or Tenant, or by any court, in any such proceeding; (e) any defense to or limitation on the liability or obligations of Tenant under the Lease, or any invalidity or unenforceability, in whole or in part, of any obligation of Tenant under the Lease or of any term of the Lease; or (f) any transfer by Principal of any or all of the capital stock of Tenant or the control thereof.

3. Principal waives presentment and demand for payment, notice of non-payment or non-performance, and any other notice or demand to which Principal might otherwise

be entitled.

4. Principal will reimburse Landlord for all costs and expenses incurred by Landlord in connection with the enforcement of this Guarantee, including, without limitation, reasonable attorneys' fees.

5. For purposes of this Guarantee, any security deposit under the Lease shall not be credited against amounts due or payable by Tenant under the Lease or by Guarantor under the term of this Guarantee.

6. Should Landlord be obligated in any bankruptcy proceeding to repay to Tenant or Principal or to any trustee, receiver or other representative of Principal any amounts previously paid, then this Guaranty shall be reinstated in the amount of such repayment. Landlord shall not be required to litigate or otherwise dispute its obligation to make such repayment if it in good faith on the advice of counsel believes that such obligation exists.

7. Principal and Landlord each waive trial by jury of all issues arising in any action, suit or proceeding to which Landlord and Principal may be parties in connection with this Agreement.

8. Principal, at its expense, will execute, acknowledge and deliver all instruments and take all action as Landlord from time to time may request for the assuring to Landlord the full benefits intended to be created by this Agreement.

9. No delay by Landlord in exercising any right under this Agreement nor any failure to exercise the same will waive that right or any other right.

10. Any notice or other communication hereunder must be in writing and will be deemed duly served on the date it is mailed by registered or certified mail in any post office station or letter box in the continental United States, addressed if to Principal, to the address of Principal set forth herein or such other address as Principal shall have last designated by notice to Landlord, and addressed if to Landlord, to it at the address set forth above or such other address as Landlord shall have last designated by notice to Principal.

11. This Agreement may not be modified or terminated orally or in any manner other than by an agreement in writing signed by Principal and Landlord, or their respective successors and assigns.

12. This Agreement and any issues arising hereunder will be governed by the laws of the State of New York, and Principal consents to the jurisdiction of the Courts of the State of New York, concerning all issues arising hereunder.

13. All remedies of Landlord by reason of this Agreement are separate and cumulative remedies and no one remedy, whether exercised by Landlord or not, will be in exclusion of any other remedy of Landlord and will not limit or prejudice any other legal or equitable remedy which Landlord may have.

14. If any provision of this Agreement or the application thereof to any person or circumstance will to any extent be held unenforceable, the remainder of this Agreement or the application of such provision to persons or circumstances other than those as to which it is held unenforceable, will not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

15. This Agreement will inure to the benefit of and may be enforced by Landlord and its successors or assigns, and will be binding upon and enforceable against Principal and its successors, assigns, heirs and personal representatives. If there is more than one Principal, Principal's obligations and liabilities under this Agreement will be joint and several.

IN WITNESS WHEREOF, Principal has duly executed this Agreement as of the day and year first above written

Print Name:

**ALEXANDER FELL**

\_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_-

Social Security Number

Print Name:

**RUBEN BELLIARD**

\_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_-

Social Security Number

Print Name:

**JENNIFER LEE**

\_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_-

Social Security Number

STATE OF NEW YORK )

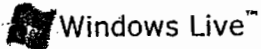
: ss.:

COUNTY OF NEW YORK )

On this \_\_\_\_\_ day of \_\_\_\_\_ 2008 before me, the undersigned, a Notary Public in and said State, personally appeared Alexander Fell, Ruben Belliard and Jennifer Lee, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their signatures on the instrument, the individual, or the person upon behalf of which the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

**EMAIL 21**


**OUR PARTY LIST IS HUGE!!!!!!!!!!!!!!**

From: **Nancy Baynard** (nancybaynard@yahoo.com)

Sent: Mon 3/31/08 11:11 PM

To: jennifer\_j\_lee@yahoo.com

Attachments: Jen\_and\_Nancy\_Party\_List 0331.xls (64.6 KB)

Security scan upon download 

Um... ok so i just updated our party list (w/ a VERY DEAR FRIEND OF OUR's additions) and, um, HOLY SHIT. There's over 330 people that might come to our party!!!!!!

CHECK IT OUT!

**Re: OUR PARTY LIST IS HUGE!!!!!!!!!!!!!!**

From: kappamarine@hotmail.com

Sent: Mon 3/31/08 11:14 PM

To: Nancy Baynard (nancybaynard@yahoo.com)

Wow that is big time.

Sent via BlackBerry from T-Mobile

-----Original Message-----

From: Nancy Baynard &lt;nancybaynard@yahoo.com&gt;

Date: Mon, 31 Mar 2008 16:11:27

To: jennifer\_j\_lee@yahoo.com

Subject: OUR PARTY LIST IS HUGE!!!!!!!!!!!!!!

Um... ok so i just updated our party list (w/ a VERY DEAR FRIEND OF OUR's additions) and, um, HOLY SHIT. There's over 330 people that might come to ou

CHECK IT OUT!



# Jen and Nancy's Party List

	A	B	C	D	E	F	G
1	Last	First	Email	Phone	Contact	Y/M/P	Comment
2	Agnew	Jamie	Jamie.Agnew@ggs.com		Nancy	Y	
3	Anderson	Holly	holly.anderson@morganstanley.com		Nancy	Y	
4	Baynard	Nancy	nancybaynard@yahoo.com	917.297.2515	Nancy	Y	
5	Buterman	Larry	LButerman@gmail.com		Jen	Y	67 sessions as of 3/21
6	Cho	Camilla			Jen	Y	
7	Conviser	Lenore			Jen	Y	
8	Crotty	Kelly			A	Y	
9	Gunness	Kelly			Jen	Y	
10	Halpin	Jen			Jen	Y	
11	Hodes	Inka	ihodes@addisonsearch.com		Jen	Y	
12	LaPeters	Robin	Lapeters44@yahoo.com		Nancy	Y	old coworker
13	Lee	Jennifer	jennifer@bobbyflay.com	773.230.9115	Jen	Y	
14	Levine	Sarah			Jen	Y	
15	Livornese	Paul			Jen	Y	after biking season
16	Marks	Amy			Jen	Y	
17	Melynis	Indie			Jen	Y	
18	Menta	Melissa			Jen	Y	
19	Miller	Lisa			Jen	Y	
20	Richmond	Tiffany	TRichmond@bear.com		Nancy	Y	
21	Rivera	Christine	car617@hotmail.com			Y	
22	Rodriguez	Vicky			R	Y	
23	Rojas	Renata	Renata_Rojas@america.hypovereinsbank.com		R	Y	
24	Rubin	Jackie			Jen	Y	
25	Salazar	Patricia	patricia126@gmail.com		Nancy	Y	
26	Shelley	Janet	Jshelley@wbmelvin.com		R	Y	COMP
27	Stohr	Dale			Jen	Y	



# Jen and Nancy's Party List

	A	B	C	D	E	F	G
1	Last	First	Email	Phone	Contact	Y/M/P	Comment
28	Torres	Eva	evasuetorres@earthlink.net		R	Y	
29	Vaillo	Mario			R	Y	
30	Valentino				A	Y	9am
31	Wells	Vicki			Jen	Y	
32	Willis	Susan	swillis@elliottmgmt.com		Nancy	Y	
33	Wilson				A	Y	9am
34	Wong	Anna			A	Y	7:30am
35	Appel	Len			Jen	M	6:30am
36	Barsoom	Elaine			Jen	M	
37	Caine	Shena	shenacaine@hotmail.com		Jen	M	6:30 class
38	Cohen				Jen	M	6:30 class
39	Cohen	Amanda	Acohen@adamyoung.com			M	
40	Cullen	Kevin			A	M	5:30am
41	Deckoff	Hillary			R/Nancy	M	
42	Degen	Michelle			Jen	M	6:30am
43	Fierman	Sarina			Jen	M	6:30am
44	Fogler	Amber	Afogler@adamyoung.com			M	
45	Gibbons	Jorie			Jen	M	
46	Grimmer	Jennifer	jennifergrimmer@msn.com			M	
47	Halpin	Jen bro			Jen	M	prob
48	Halpin	Jen sis			Jen	M	prob
49	Hooch				Nancy	M	heart charger 6pm; haven't talked yet
50	Hsieh				Jen	M	haven't talked yet
51	Jortner	Jill			Jen	M	
52	Maddock	Christine			Jen	M	
53	Nocelli	Michele			Jen	M	
54	Nocelli	Gina			Jen	M	
55	O'Hara	Lauren			Jen	M	
56	R	Shannon	shannon.viard@espn3.com		R	M	
57	Sose	Holly	hollys@ccrny.com		Nancy	M	haven't talked yet

## Jen and Nancy's Party List

	A	B	C	D	E	F	G
1	Last	First	Email	Phone	Contact	Y/M/P	Comment
58	Stranko	Matt			Jen	M	Need to confirm
59	Zaikeim	Sloan			Jen	M	prob
60	Zaikeim	Alan			Jen	M	prob
61		Susie			Jen	M	bobby cousin
62	NEED TO REACH OUT						
63	Anderson	Karen			Nancy	P	Holly's Sister
64	Aquilino	Jill	jill.aquilino@credit-suisse.com			P	
65	Arrichia					P	
66	Basmajian	Diana			Jen	P	haven't talked yet
67	Chapin	Alison	alison.chapin@wolterskluwer.com		Nancy	P	haven't talked yet
68	Cullen	Quinn	quinn.cullen@ggs.com		Nancy	P	
69	Davis	Nichole	Nichole.Davis@ogilvy.com		R/Nancy	P	84 sessions left
70	Dimond	Adriana	DIMOND ADRIANA_M@illiy.com		Nancy	P	book club
71	Ferrier	Andrew	andrew.ferrier@wolterskluwer.com		Nancy	P	haven't talked yet
72	Harkishnani,	Sangeeta	babysang1@gmail.com		Nancy	P	book club
73	Iacabelli					P	5:30am
74	Kramer	David			Jen	P	haven't talked yet
75	Lorrichio					P	7:30am
76	Newsome	Leigh	leigh@strikeinteractive.com		Nancy	P	haven't talked yet
77	Renda	Sarah			Nancy	P	
78	Rockoff	Josh	josh@strikeinteractive.com		Nancy	P	haven't talked yet
79	Ruhren	Jamin	jamin@strikeinteractive.com		Nancy	P	haven't talked yet
80	Russell					P	7:30am
81	Salazar	Matias			Nancy	P	

# Jen and Nancy's Party List

	A	B	C	D	E	F	G
1	Last	First	Email	Phone	Contact	Y/M/P	Comment
82	Stauss					P	
83	Stranko girlfriend					P	5:30am
84	Wertheim	Elie	EllieWertheim@yahoo.com		A	P	
85		Stephan			Jen	P	Renee's friend
86	Afromowitz	Melissa	melissa.afromowitz@lehman.com				
87	Anderson	Virginia	virginiaa@hotmail.com				
88	Aronson	Emary	aronson@robinhood.org				
89	Arroyo	Iris	irisselly@yahoo.com				
90	Asa	Diana	diana.asa@gs.com				
91	Ashknazu	Jennifer	jash107@aol.com				
92	Atwood	Julia	julia.atwood@lehman.com				
93	Auricchio	Giulia	Giulia25685@yahoo.com				
94	Austin	Jeanine	jaustin@hs-ideas.com				
95	Avin	Kim	kraavin@aol.com				
96	Baer	Alexandra	alexandria@albaroartz.com				
97	Bagley	Lisa	Lisa.Bagley@meredith.com				
98	Bainlardi	Shelly Ann	bainlardi@nyc.rr.com				
99	Bakalor	Donna	donnaesq@optonline.net				
100	Baker	Jen	Jennifer.Baker@citi.com				
101	Balderas	Jose	axnova@aol.com				
102	Barbarini	Dale	dalenoele@aol.com				
103	Bargallo	Nicole	bargallon@gtlaw.com				
104	Barron	Jen	barron.jen@gmail.com				
105	Barros	Sandra	barrosandra@aol.com				
106	Barry	Dennis	Dbarry@fbr.com				
107	Barthelemy	Nicholas	nicholasusa@gmail.com				
108	Basile	Diane	Diane_basile@anntaylor.com				
109	Bataille	Marissa	mabataille@gmail.com				
110	Bates	Sonny	sonny@sonnybates.com				
111	Battle	Raquel	Rockie@usa.com				

# Jen and Nancy's Party List

	A	B	C	D	E	F	G
1	Last	First	Email	Phone	Contact	Y/M/P	Comment
112	Bauer	Melissa	Mbauer@theknot.com				
113	Bazley	Corry					
114	Beato	Jackie	umbeato@bellsouth.net				
115	Beber	Neena	nbeder@mac.com				
116	Berg	Samantha	samberg2001@aol.com				
117	Berliner	Gerilyn	gberliner@logisticsinnovations.com				
118	Bermudez	Melba	melba840@aol.com				
119	Bertuna				Ruben		
120	Bethel	Marika	marika_bethel@yahoo.com				
121	Beyda	Jeremy	JBeyda@hotmail.com				
122	Bhangoo	Kamil K.	kamilkb@yahoo.com				
123	Bhudia	Nita	nita.bhudia@credit-suisse.com				
124	Biederman	Lisa	Lbied@yahoo.com				
125	Biello	Rachel	Rachel.Biello@gmail.com				
126	Bloom	Ginny	ginnybloom@yahoo.com				
127	Blum	Jessica	jeb295@nyu.edu				
128	Boatman	Kathleen	kathleen.boatman@izard.com				
129	Bock	Paloma	palomabeck@yahoo.com				
130	Bohrer	Mayling	miki_kajiya@yahoo.com				
131	Bokhari	Shaheena	shaheenabokhari@yahoo.com				
132	Bomba	Abigail	Abigail.Bomba@friedfrank.com				
133	Bonazzoli	Micol	mickybonazzoli@hotmail.com				
134	Borelli	Virginia	vborelli@hotmail.com				
135	Boudouvas	Ghada	ghadas@armstrongsoustou.com				
136	Bouraoui	Kamel	kbouraoui@gmail.com				
137	Boutin	Sabrina	boutinsa@tmail.com				
138	Bowman	Kimberly	kim@kimbowman.com				
139	Bozleko	Chandra	ChandraBozleko@yahoo.com				
140	Bradley	Jennifer	jbradley914@hotmail.com				
141	Bradley	Liz	bradley@radicalmedia.com				
142	Brancati	Michael	Mbrancati@fbr.com				



# Jen and Nancy's Party List

	A	B	C	D	E	F	G
1	Last	First	Email	Phone	Contact	Y/M/P	Comment
143	Brechner	Christy	Cbrech@nyc.rr.com				
144	Brisman	Jennifer	jennifer@theweddingplanner.com				
145	Brodsky	Leslie	Ugel32@yahoo.com				
146	Bronstein	Jackie	HealthyLife4uall@aol.com				
147	Brown	Danielle	danielebrown98@aol.com				
148	Brown	Jennifer	jybv2005@verizon.net				
149	Brown	Samantha	SBrown@corcoran.com				
150	Buono	Aimee	Aimbones@gmail.com				
151	Byrne	Patrick	Byrne10@yahoo.com				
152	Cafaro	Mike	carfaro.michael@gmail.com				
153	Calafiore	Valeria	Valeria.Calafiore@cliffordchance.com				
154	Call	Kimberly	kimberly.call@twosigma.com				
155	Can	Elle	elle@taylorcreativeinc.com				
156	Cana	Simina	simina.cana@gmail.com				
157	Cappelletti	Caitlyn	caitlyn_cappelletti@fitnyc.edu				
158	Caruso	Kristi	kcaruso@riverparkllc.com				
159	Cassan	Traci	traci@alumni.upenn.edu				
160	Castillo	Carol	frizy4u@yahoo.com				
161	Castillo	Cindy	Cindy@toryburch.com				
162	Castro	Cynthia	cynthiacastro1@msn.com				
163	Castro	Jennifer	jennifercastro99@hotmail.com				
164	Chatzopoulos	Catherine	catherine.chatzopoulos@gs.com				
165	Cherniak	Harlan	hcherniak@longacrellc.com				
166	Cherniak	Spencer	scherniak@bear.com				
167	Chestone	Alissa	achestone@gmail.com				
168	Chigas	Charles	chaschigas@mac.com				
169	Chopra	Ashna	ashna318@yahoo.com				
170	Chopra	Rahul	rahul.chopra@morganstanley.com				
171	Chozick	Amy	amy.chozick@wsj.com				
172	Cody	Nick	ncody165@gmail.com				
173	Cohen	Dalia	dalia.cohen@usa.net				

## Jen and Nancy's Party List

	A	B	C	D	E	F	G
1	Last	First	Email	Phone	Contact	Y/M/P	Comment
174	Cohen	Hilary	hilcohen@yahoo.com				
175	Constance	Zappella	dazappa@yahoo.com				
176	Cook	Christine	Chriscook1125@gmail.com				
177	Cooper	Mary	marcoop1012@yahoo.com				
178	Cowell	Jennifer	Jenn22C@aol.com				
179	Cowell	Lauren	mrwn046@aol.com				
180	Crews	Catherine	Catherine_crews@ml.com				
181	Criswell	Chris	Ccriswell@mac.com				
182	D'Angelo	Nicole	nikkid4281@yahoo.com				
183	Daniel	Reeyna	reynadaniel@hotmail.com				
184	Daswani	Ed	ed.daswani@ey.com				
185	Davidson	Jessica	jessica.e.davidson@gmail.com				
186	Day	Gloria	grodriguez@valveline.com				
187	Deluca	Kristen	kristadeluca@msn.com				
188	Denney	Natalie	nataliedenney@yahoo.com				
189	Desantis	Christine	cdesantis@gmail.com				
190	Detiger	Lisa	lisadetiger@aol.com				
191	DiMartino	Martine	martine.dimartino@db.com				
192	Dombroff	Erica	erika.dombroff@citigroup.com				
193	Dubin	Courtney	Courtali24@hotmail.com				
194	Dzierzawski	Robyn	radzierzawski@hotmail.com				
195	Ebeling	Doug	douglas.ebeling@dechert.com				
196	Edreich	Rhonda	bgapl1@aol.com				
197	Efremenkova	Laima	ltvnbaby@aol.com				
198	Efremenkova	Lina	lina0brooklyn0@aol.com				
199	Efremenkova	Marite	marite00@aol.com				
200	Einsele	Marc	meinsele@imgworld.com				
201	Eldan	Jill	JillEldan@gmail.com				
202	Elias	Amanda	Amanda7799@aol.com				
203	Elias	Caren	Cre2411@gmail.com				
204	Elie	Marianne	marianne.elie@citigroup.com				

# Jen and Nancy's Party List

	A	B	C	D	E	F	G
1	Last	First	Email	Phone	Contact	Y/M/P	Comment
205	Elizalde	Mandy	mandy.elizalde@lehman.com				
206	Evans	Sarah	sevans22@gmail.com				
207	Facey	Yvonne	yvonne.a.facey@citi.com				
208	Fagan	Patrick	Mellowtip1@aol.com				
209	Famighetti	Paul	paul@famighetti.com				
210	Farag	Victoria	vfarag@steinhardt.net				
211	Farquharson	Natasha	natasha_farquharson@ml.com				
212	Fioroni	Lia	lia.fioroni@gmail.com				
213	Fischer	Samara	samarafischer@hotmail.com				
214	Fischman	Karen	eastfish@aol.com				
215	Fitzgerald	Shannon	sfitzgerald@bnybrokerage.com				
216	Fiumano	Christopher	fiumano5@yahoo.com				
217	Flakowitz	Pam	pef555@hotmail.com				
218	Flynn	Kerianne	flynn@nyc.rr.com				
219	Forbush	Jennifer	jennifer.forbush@gmail.com				
220	Friesell	Liz	lizfriesell@mac.com				
221	Frost	Candice	FrostAct1@aol.com				
222	Garellick	Mindy	m.mindyg@verizon.net				
223	Gerson	Fany	fanagerson@yahoo.com				
224	Gerson	Josh					
225	Gheen	Casey	Casey.Gheen@gs.com				
226	Gillikin	Nicole	NicoleGillikin@gmail.com				
227	Gipe	Ian	ian@monacoreps.com				
228	Goicochea	Rachel	rachel.goicochea@gs.com				
229	Goldman	Lisa	lgoldman@saatchiny.com				
230	Gorsky	Lauren	lauren.gorsky@gmail.com				
231	Granda	Cristina	cgranda@bear.com				
232	Green	Tara	JellyBeanComfort@hotmail.com				
233	Greuner	Angelica	angelicagreuner@yahoo.com				
234	Grossi	Susan	mitchsue@aol.com				
235	Guerrero	Dalinda	Dalinda.Guerrero@morganstanley.com				



## Jen and Nancy's Party List

	A	B	C	D	E	F	G
1	Last	First	Email	Phone	Contact	Y/M/P	Comment
236	Herman	Jennifer	Jherman@mkjcomm.com				
237	Hilty	Kristen	kehily@yahoo.com				
238	Hollander	Jamie	Chollan434@aol.com				
239	Hopkins	Amanda	Amanda_n_hopkins@hotmail.com				
240	Horton	Joel	Joel.Horton@polo.com				
241	Hubert	Eileen	Eileen.Hubert@morganstanley.com				
242	Jarmlowski	Christina	ChristinaJ23@hotmail.com				
243	Jenkins	Amanda	amandajinc@yahoo.com				
244	Johnson	Erin	erin.johnson@jwt.com				
245	Jovanovic	Chiara	Chiara.Jovanovic@gs.com				
246	Kanas	Jennifer	jkanas@gmail.com				
247	Kamal	Alex	kamala@deerfieldpartners.com				
248	Karpel	Barry	Bmkarpel@aol.com				
249	Kaye	Jessica	vermontjessica@hotmail.com				
250	Keefe	Julia	Jkeefe@timeoutny.com				
251	Kessler	Elise	elkessler@mac.com				
252	Kim-Suk	Sandy	sandra.kimsuk@citigroup.com				
253	King	Tara	tlynking@yahoo.com				
254	Koppele	Meghann	Mkoppele@premierpilatesandtraining.com				
255	Ladjevardi	Ninni	ninni@bfivestudio.com				
256	Laird	Ryan	ryan.laird@gmail.com				
257	Lambrakis	Sophia	praxisophia@aol.com				
258	Lamendella	John	JLamendella@southernwine.com				
259	Landa	Gina	Ginalanda@gmail.com				
260	Landes	Elissa	ellandes@comcast.net				
261	Landman	Sarah	sarahlandman@gmail.com				
262	Lippman	Jennifer	jenniferlippman@verizon.net				
263	Loomis	Caroline	cloomis@sbs.nyc.gov				
264	Lowenthal	Sara	Slowenthal@gmail.com				
265	Lyon	Ali	Alexandra_Lyon@swissre.com				
266	Lyons	Jamie	jLyons@elliottmgmt.com				



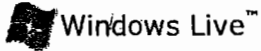
# Jen and Nancy's Party List

	A	B	C	D	E	F	G
1	Last	First	Email	Phone	Contact	Y/M/P	Comment
267	Markowitz	Alison	alison.markowitz@gmail.com				
268	Marusic	Christina	Cmarusic@hotmail.com				
269	Mastio	Carolyn	Cmastio@moxieinteractive.com				
270	Matarazzo	Katie	katherine.matarazzo@prudential.com				
271	Matchett	Hilary	matchett3@hotmail.com				
272	Maundrell	Melissa	melissamfu@yahoo.com				
273	Mendez	Madeline	mmendez610@aol.com				
274	Mislowack	Penny	pennymilo@gmail.com				
275	Mittman	Amanda	amandamittman@gmail.com				
276	Molinaro	Kristi	kmolinaro@yahoo.com				
277	Morris	Emily	Emii@Emilionline.com				
278	Nickelsburg	Sari	Sari@coverclicksmail.com				
279	Oommen	Sunil	suniloommen76@gmail.com				
280	Osmond	Ashley	acosmond@yahoo.com				
281	Pandolfi	Liz	epandolfi@oxhp.com				
282	Parent	Benjamin	benjamine@benjaminepr.com				
283	Patel	Finale	patelfb@yahoo.com				
284	Plaza	Eileen	EP2320@columbia.edu				
285	Poole	Colleen	colleen.poole@villanova.edu				
286	Porter	Jonikka	jonikka.porter@credit-suisse.com				
287	Poueriet	Raphael	Rpoueriet@gmail.com				
288	Priolet	Pat	priolet@robinhood.org				
289	Pujadas	Esty	esty.pujadas@ketchum.com				
290	Quinn	Fiona	Fiona.Quinn@macys.com				
291	Quinn	Patrick	P.Quinn@morganstanley.com				
292	Raineri	Rita					
293	Ramos	Francine	Francine_Ramos@ml.com				
294	Rand	Erica	ERand12@aol.com				
295	Rascio	Alexis	alexis.rascio@gs.com				
296	Ravitch	Michael	Mishar@mac.com				
297	Reed	Robin	reedrobin@gmail.com				

# Jen and Nancy's Party List

	A	B	C	D	E	F	G
1	Last	First	Email	Phone	Contact	Y/M/P	Comment
298	Reilly	Kasey	Kreilly@fjsciame.com				
299	Reinhold	Dave	DaveReinhold@yahoo.com				
300	Reisman	Jean	jreism01@hotmail.com				
301	Rich	Barbara	babs331@msn.com				
302	Rivera	Madelin	madelin.rivera@db.com				
303	Robinson	MaryJane	mary_janerobinson@hotmail.com				
304	Rosenblatt	Rebecca	rosenblattbecky@hotmail.com				
305	Santora	Kim	ksantora@lehman.com				
306	Sares	Diana	diana@cyclopsnyc.com				
307	Sarraga	Patricia			Dale		
308	Scholtes	Lisa	Lscholtes@foxsports.net				
309	Schultz	Ginger	ginger.schultz@aig.com				
310	Sgambati	Melissa	msgambati05@nyls.edu				
311	Sgouros	Charissa	cmss@earthlink.net				
312	Shaw	Jan	Firstfax@aol.com				
313	Smaldone	Michael	michaelsmaldone@earthlink.net				
314	St. Pierre	Carol	stpie614@aol.com				
315	Steinberg	Beth	Bsteinbe@lehman.com				
316	Thompson-Why	Tonya	twwhyte@accessorynetwork.com				
317	Tiampo	Jamie	Public@tiampo.org				
318	Tucker	Laura	dandltucker@rcn.com				
319	Wolberger	Elia	eliawolberger@gmail.com				
320	Zajarias	Samuel	sam.zajarias@gmail.com				
321	Zion	Yael	Yeltani@hotmail.com				
322							
323							

**EMAIL 22**



## Tunnel

From: **ALEX FELL** (kappamarine@hotmail.com)  
Sent: Sat 4/05/08 11:53 PM  
To: ruben (belliardrd@gmail.com)

Dude check the link below. Its for the tunnel. I was thinking the 10'x24" in black.

<http://www.playsetparts.com/store/103/0/index.htm>

---

Going green? See the top 12 foods to eat organic.

## PRODUCT CATEGORIES

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- [Slides](#)
- [Climbs](#)
- [Handles & Holds](#)
  - [Zip Lines +](#)
  - [Monkey Bars +](#)
  - [Steering Wheels](#)
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  - [Play Fort Roofs](#)
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## PlaysetParts.com

PLAYGROUND PARTS & STRUCTURES A Division of ADS, Inc.

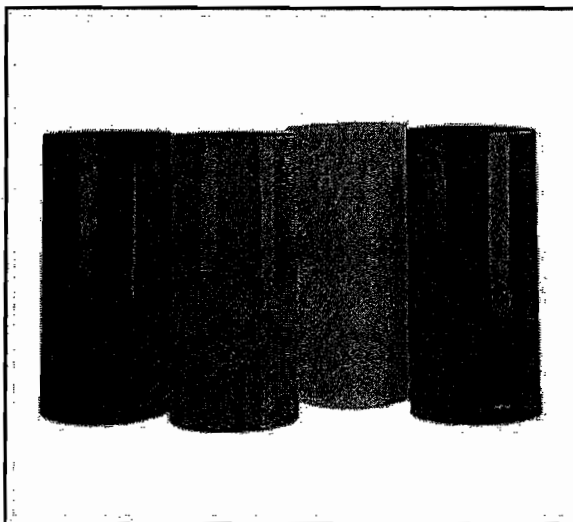
The joy of swinging, the joy of sliding,  
the joy of climbing... the joy of being a kid!

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Search  
Tips

Home : [Tubes & Components](#) : FULL TUBES 24" diameter x 10'



FULL TUBES : 24" diameter x 10'

# 01103 - Mfr: CW

\$580.38



- Sizes are approximate for all plastic components
- For tubes with bell, the length measurement does not include the bell
- Bell on one end

Color :

Qty:

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8 user(s) currently  
online.  
5890 users in the past  
week.

**EMAIL 23**



## Everlast Climbing Industries Price Quote Form

From: sales@traversewall.com

Sent: Sat 4/05/08 2:59 AM

To: kappamarine@hotmail.com

Thank you for your interest in Everlast Climbing Industries, the leader in school climbing wall manufacture and installation. We are currently process

Name: Alex Fell

School: Warrior Fitness Boot Camp

Address: 29 W. 35th St. 3rd floor

City: New York

State: NY

Zip: 10001

School Phone:

School Fax:

Other Phone: 917-903-5367

Best time of day: Daytime

Email: kappamarine@hotmail.com

Contact Method: email

Interested In: Traverse Climbing Walls

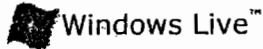
Time for Purchasing: Ready Now

Comments: Pricing for superior rock wall to cover a 16'x8' area.

Sincerely, The Staff of Everlast Climbing Industries

**EMAIL 24**





RE:

From: **ALEX FELL** (kappamarine@hotmail.com)  
Sent: Mon 4/07/08 2:03 AM  
To: belliardrd@tmo.blackberry.net

Do you think its climbable?

> To: kappamarine@hotmail.com  
> Subject: Re:  
> From: belliardrd@tmo.blackberry.net  
> Date: Mon, 7 Apr 2008 01:55:47 +0000  
>  
> About the same  
> Sent wirelessly via BlackBerry from T-Mobile.  
>  
> -----Original Message-----  
> From: ALEX FELL <kappamarine@hotmail.com>  
>  
> Date: Mon, 7 Apr 2008 01:54:22  
> To: Ruben Belliard <belliardrd@gmail.com>  
> Subject: RE:

> The rope with the hook is only 1 1/2" in diameter. How big are the ropes at Pure Power?

> -----  
> Date: Sun, 6 Apr 2008 21:46:29 -0400  
> From: belliardrd@gmail.com  
> To: kappamarine@hotmail.com  
> Subject:

> This is the site for the stall bars, <http://www.promedproducts.com/s.nl/it.A/id.1073/.f>  
<<http://www.promedproducts.com/s.nl/it.A/id.1073/.f>> ,

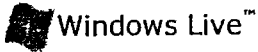
> This is the site for the rope, <http://www.gymsupply.com/index.asp?PageAction=VIEWPROD&ProdID=3491&MMP=1013448271>  
<<http://www.gymsupply.com/index.asp?PageAction=VIEWPROD&ProdID=3491&MMP=1013448271>> , I like this rope because it already  
has a way to hook it up to the ceiling. We could just get the rope which would be cheaper but then we  
have to deal with how to attach it the ceiling. This is the web site <http://www.us-rope-cable.com/HTML/manila-rope.html> <<http://www.us-rope-cable.com/HTML/manila-rope.html>>

> -----  
> Get in touch in an instant. Get Windows Live Messenger now.

---

More immediate than e-mail? Get instant access with Windows Live Messenger.

**EMAIL 25**




## tees, tanks

From: **Miriam Burrows** (freed@comcast.net)

Sent: Mon 4/07/08 9:11 PM

To: belliardrd@tmo.blackberry.net; 'Nancy Baynard' (nancybaynard@yahoo.com); 'Jennifer J.

Lee' (jennifer\_j\_lee@yahoo.com); kappamarine@hotmail.com

Attachments: image006.jpg (8.2 KB), image005.jpg (8.4 KB), image004.jpg (8.9 KB), Security scan upon download   
image003.jpg (8.3 KB), image002.jpg (8.4 KB), image001.jpg (9.8 KB)

Hi Ruben and All,

The following is the pricing and product information for the tanks and tees. Please let me know if you'd like to order samples of any of the items noted. Your order would ship today or tomorrow to arrive the next day via UPS Ground.

Tank tops to be printed on front only in 2 colors with supplied layout.

Tees to be printed on the front in 2 color (same imprint as tanks) and on the back in 2 colors with supplied layouts.

Pricing is valid for 30 days.

Tank tops for ladies:



Bella #1080 ribbed tank top 100% cotton

144 pc. order: \$8.40

300 pc. order: \$7.95

589 pc. order: \$7.50

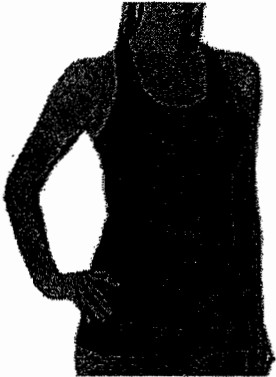


Bella #1011 ribbed spaghetti strap tank top 100% cotton

144 pc. order: \$8.15

300 pc. order: \$7.70

589 pc. order: \$7.25



Bella #8770 mini-ribbed racer-back tank top 98% cotton/2% Spandex

144 pc. order: \$10.85

300 pc. order: \$10.40

589 pc. order: \$9.95

Tee shirts for ladies:



Bella #1001 ribbed crew neck tee 100% cotton

144 pc. order: \$10.60

300 pc. order: \$9.70

589 pc. order: \$8.80



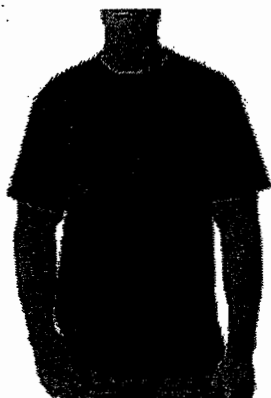
Bella #1003 ribbed scoop neck tee 100% cotton

144 pc. order: \$11.00

300 pc. order: \$10.10

589 pc. order: \$9.15

Unisex tee shirts



Fruit of the Loom, Gildan, Jerzees, Hanes or comparable brand jersey knit crew neck tee 100% cotton

144 pc. order: \$7.95

300 pc. order: \$7.10

589 pc. order: \$6.15

For 2XL sizes: Bella brand: add \$2.25 per shirt. Unisex tees: add \$2.00 per shirt

Set-up fees: \$35.00 per color/per side

Production time: 7-10 work days

Ship time to NYC: 1 work day via UPS Ground

The cost of shipping is additional

If you'd like to place an order for samples, our policy is that if an order is placed, the cost of the styles used for the order will be rebated toward the total cost of the order. FYI, when the silk screened order is placed we will supply preproduction samples for approval before the complete order is produced. Generally we charge \$50.00 per preproduction sample, however we will waive the fee(s) due to Jen and our great relationship with her/Mesa Grill.

Please let me know if you have any questions, need additional information or would like to place an order for samples.


Thanks!

Miriam

Miriam Burrows

Free Advertising, Inc.

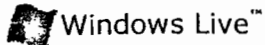
212-691-7056 or 732-634-2652

 [read@comcast.net](mailto:read@comcast.net)

**[www.freeadinc.com](http://www.freeadinc.com)**

**EMAIL 26**



**Re: David Ferber email****From:** kappamarine@hotmail.com**Sent:** Tue 4/01/08 9:09 PM**To:** Jennifer Lee (Jennifer\_j\_lee@yahoo.com)

That's great. Just wondering  
Sent via BlackBerry from T-Mobile

-----Original Message-----

From: "Jennifer J. Lee" <jennifer\_j\_lee@yahoo.com>

Date: Tue, 1 Apr 2008 14:02:29

To: kappamarine@hotmail.com

Subject: Re: David Ferber email

melyn timer was in class this morning and no ruben there.  
i told her about the new place. that's ok, right?

and, buterman and i talk daily. so, i told him.

--- kappamarine@hotmail.com wrote:

> How are they funding out?  
> Sent via BlackBerry from T-Mobile

> -----Original Message-----

> From: "Jennifer J. Lee" <jennifer\_j\_lee@yahoo.com>

> Date: Tue, 1 Apr 2008 13:35:34

> To: kappamarine@hotmail.com

> Subject: Re: David Ferber email

> I have Peterson's email. Don't you think she would  
> rejoin?

> Buterman called me and said he is joining for sure.  
> Same with Indy (Melyn timer). She said she would sign up  
> right away, even though she has sessions left. Same  
> with Buterman.

> --- kappamarine@hotmail.com wrote:

> > Oh yeah. Thanks honey.

> > -----Original Message-----

> > From: Jennifer Lee

> > To: Me

> > Sent: Apr 1, 2008 4:04 PM

> > Subject: David Ferber email

> > David Ferber email:

> > ferber@ferberchan.com

> > --- kappamarine@hotmail.com wrote:

Windows Live Hotmail Print Message

> >  
> > > Hey honey. Remind me to send a thank you email  
> to  
> > > david ferber  
> > > Sent via BlackBerry from T-Mobile  
> >  
> > >  
> >  
> >  
> > Jennifer J. Lee  
> > 212-982-5163 (work)  
> > www.bobbyflay.com  
> >  
> >  
> >  
> > > Sent via BlackBerry from T-Mobile  
> >  
> >  
>  
>  
> Jennifer J. Lee  
> 212-982-5163 (work)  
> www.bobbyflay.com  
>  
>  
>

Jennifer J. Lee  
212-982-5163 (work)  
www.bobbyflay.com

**EMAIL 27**



Alex Fell &lt;kappamarine@gmail.com&gt;

---

## Nicio and Conversion

1 message

---

Jennifer J. Lee <jennifer\_j\_lee@yahoo.com>

Fri, Apr 18, 2008 at 7:53 AM

To: Alex Fell <kappamarine@gmail.com>

Call me Miss Conversion.

I converted a Lauren lover! This girl, Jacobs, loves Lauren and hugged her one time and said all would be ok and blah blah blah. So, I wrote her off.

But lately, she has been talking to me a lot, wanting to be partners, etc. and today, I converted her! She said she won't sign up if I don't return and will do what I do. She promised not to renew and to sign up for yours. Man, I am good.

Also, Nicio said he's leaving soon. He's MISERABLE.

And, Melynis said she is signing up for 6 months with you. She set aside her bday money and tax return for you guys. Is she not the sweetest girl or what? I am going to treat her to Mesa for dinner one time. She is just too awesome and I dig her.

Also, she converted Anderson and Pierre and said she would work on more people for you guys.

Jennifer J. Lee  
212-982-5163 (work)  
[www.bobbyflay.com](http://www.bobbyflay.com)

---

**EMAIL 28**



RE:

From: ALEX FELL (kappamarine@hotmail.com)  
Sent: Wed 4/16/08 8:49 PM  
To: Richmond, Carolyn D. (crichmond@foxrothschild.com)

Thank you very much. Hopefully she's full of it.

Alex

---

Subject: Re:  
Date: Wed, 16 Apr 2008 15:25:18 -0400  
From: CRichmond@foxrothschild.com  
To: kappamarine@hotmail.com

Ok. Then let's wait for her next move. Don't take her calls--either of you. As I've advised you -- ruben is technically in breach. As long as you didn't sign, you are not (although Ruben creates issues for you personally). Let me know when you get calls, letters or emails. If she has proper counsel, she should send you a formal letter and copies of the signed agreements. Carolyn D. Richmond

Carolyn D. Richmond, Esq.

Fox Rothschild, LLP  
212 878.7983  
212 692.0940 fax  
100 Park Avenue  
New York, NY 10017

Sent from my BlackBerry Wireless Device

-----Original Message-----

From: ALEX FELL <kappamarine@hotmail.com>  
To: Richmond, Carolyn D.  
Sent: Wed Apr 16 15:14:26 2008  
Subject: RE:

Positive that I never signed it.

---

Subject: Re:  
Date: Wed, 16 Apr 2008 14:24:04 -0400  
From: CRichmond@foxrothschild.com  
To: kappamarine@hotmail.com

Hi. Just landing in ny from ecuador. We can talk later. However, don't take any of her calls--she can put it in email. We know about ruben's and that it is a significant risk that she will sue on it--but we certainly have defenses. However, are you sure you did not sign one? Carolyn D. Richmond

Carolyn D. Richmond, Esq.

Fox Rothschild, LLP  
212 878.7983

212 692.0940 fax  
100 Park Avenue  
New York, NY 10017

Sent from my BlackBerry Wireless Device

-----Original Message-----

From: ALEX FELL <kappamarine@hotmail.com>  
To: Richmond, Carolyn D.  
Sent: Wed Apr 16 14:00:35 2008  
Subject:

Hey Carolyn,

Wanted to give you the latest scoop. Lauren just called Ruben and asked him if we were starting our own gym. Ruben did not answer and tried to change the subject. She then proceeded to tell him that she has both Non-Competes, signed by us, sitting in front of her. I never signed one. Do you have any suggestions as to what we should do now?

Alex Fell

---

Pack up or back up--use SkyDrive to transfer files or keep extra copies. Learn how.  
<[http://www.windowslive.com/skydrive/overview.html?ocid=TXT\\_TAGLM\\_WL\\_Refresh\\_skydrive\\_packup\\_042008](http://www.windowslive.com/skydrive/overview.html?ocid=TXT_TAGLM_WL_Refresh_skydrive_packup_042008)>

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Thank you.

---

Get in touch in an instant. Get Windows Live Messenger now.  
<[http://www.windowslive.com/messenger/overview.html?ocid=TXT\\_TAGLM\\_WL\\_Refresh\\_getintouch\\_042008](http://www.windowslive.com/messenger/overview.html?ocid=TXT_TAGLM_WL_Refresh_getintouch_042008)>

ATTENTION:

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Thank you.

---

Pack up or back up-use SkyDrive to transfer files or keep extra copies. Learn how.



**EMAIL 29**



Alex Fell &lt;kappamarine@gmail.com&gt;

---

**Re: Larry called (Buterman)**

1 message

---

**Alex Fell <kappamarine@gmail.com>****Wed, Apr 16, 2008 at 3:16 PM**

To: "Jennifer J. Lee" &lt;jennifer\_j\_lee@yahoo.com&gt;

Hey Honey,

Ruben thinks that he shredded the copy of the contract. I love you

On Wed, Apr 16, 2008 at 2:41 PM, Jennifer J. Lee &lt;jennifer\_j\_lee@yahoo.com&gt; wrote:

Larry called and could only talk for 2 minutes and will call me back later.

He said under no circumstances should either of you talk to her ever again. She will misrepresent you and all that you have said and done. And that she is a known liar so best to stay away from her.

So, Ruben, you were BRILLIANT to not say anything and keep changing the subject.

Larry was adamant that the 2 of you have no contact with her at all and if she calls you, you hang up, etc. IF you see her, walk away.

He also wants to see a copy of the contract even though he says it will be thrown out. I told him I don't know if you have it.

I told him Alex never signed one but Ruben did. He said it won't hold up but he'd like to see a copy if possible.

He said he'd call me later with more advice.

Jennifer J. Lee  
212-982-5163 (work)  
[www.bobbyflay.com](http://www.bobbyflay.com)

---

OOHRAH!

Alex Fell

WARRIOR FITNESS BOOT CAMP  
29 W. 35TH ST.  
3RD FLOOR  
NEW YORK, NY 10001  
TEL: (212) 967-7977  
FAX: (212) 967-7477  
[www.warriorfitnessbootcamp.com](http://www.warriorfitnessbootcamp.com)

---

**EMAIL 30**



Alex Fell <kappamarine@gmail.com>

## Fwd: Warrior Fitness Boot Camp!!!

1 message

Jennifer J. Lee <jennifer\_j\_lee@yahoo.com>  
To: Alex Fell <kappamarine@gmail.com>

Thu, Apr 24, 2008 at 10:49 PM

--- "Jennifer J. Lee" <jennifer\_j\_lee@yahoo.com>  
wrote:

> Date: Thu, 24 Apr 2008 09:08:15 -0700 (PDT)  
> From: "Jennifer J. Lee" <jennifer\_j\_lee@yahoo.com>  
> Subject: Warrior Fitness Boot Camp!!!  
> To: Stephanie March <smarch1313@aol.com>,  
> Charlotte March <charlottemarch@hotmail.com>,  
> Jennifer Halpin <jennifer.ann.halpin@gmail.com>,  
>  
> Rosemary McDuffee  
> <rosemary.mcduffee@bankofamerica.com>,  
> Jennifer GCM Powers  
> <jennifer.powers@rbsgc.com>,  
> Julianne Mulvey <julianne5000@mac.com>,  
> Joyce Allaire <joyce.allaire@leerink.com>,  
> Dave Dobesh <david\_p\_dobesh@hotmail.com>,  
> Blake Lawrence <blake@blake-lawrence.com>,  
> lauren.ohara@barclayscapital.com,  
> GCM Fahrbach Robert <robert.fahrbach@rbsgc.com>,  
>  
> Jacek Wojtowicz  
> <jacek.wojtowicz@credit-suisse.com>,  
> Becca Parrish <becca@beccapr.com>, Sarah Hepola  
> <sarahhepola@gmail.com>,  
> Sarah Nelson <sarahnelson18@hotmail.com>  
>  
> Hi friends! Need your help in spreading the word...  
>  
> Warrior Fitness Boot Camp is a Marine Corps based  
> bootcamp that will help people lose weight, get in  
> shape, build strength and confidence, and have FUN!  
>  
> Warrior Fitness Boot Camp (WFBC) is located on 35th  
> Street between 5th and 6th Avenue. WFBC is a  
> comprehensive boot camp style gym that includes a  
> full  
> Marine Corps-style obstacle course, 2 workout areas,  
> running track and other fun killer workout stuff.  
> The  
> course includes serious hurdles, incline/decline  
> monkey bars, dip bars, climbing walls, rope, and a  
> tunnel! And surrounding the course is a 4 ft track  
> to  
> be used for running, sprinting, bear crawl, lunges,  
> etc). It's going to kick ass...  
>

- > If you're interested in signing up, they just
- > started
- > processing 'commitments.' They will fax a contract
- > over to you ASAP. In terms of pricing, they are
- > offering a promo for initial sign-up: "Operation
- > Warrior" is their 6-week package that includes 24
- > "training days" and is priced at \$999 (\$50 off
- > original \$1049 price if you sign up during 1st 3
- > months of their opening). They are also offering
- > various other packages (36, 48, 72 and 96 training
- > day
- > sessions) at further discounts (the more you sign
- > up,
- > the bigger the discount.
- >
- > Other details:
- > 1) Training day sessions are 1 hour long. Monday -
- > Friday at: 5:30am, 6:30am, 7:30am, 9am, noon, 1,
- > 5:30pm, 6:30pm, 7:30pm. Saturday at 9:30am and
- > 10:30am
- > 2) The drill instructors are former Marines
- > 3) Corporate programs and discounts available
- > 4) Target opening day = May 5, 2008
- >
- > WFBC
- > 29 W. 35th Street, 3rd Floor
- > 212-967-7977
- > [www.warriorfitnessbootcamp.com](http://www.warriorfitnessbootcamp.com) (temporary landing
- > page, full website will be up soon)
- >
- > Call Alex or Ruben (owners and drill instructors)
- >
- > Hope you join me!
- >
- > Jennifer J. Lee
- > 212-982-5163 (work)
- > [www.bobbyflay.com](http://www.bobbyflay.com)
- >
- >
- >

Jennifer J. Lee  
212-982-5163 (work)  
[www.bobbyflay.com](http://www.bobbyflay.com)

---

**EMAIL 31**



Alex Fell <kappamarine@gmail.com>

---

## Update: Warrior Fitness Boot Camp Opening Day - May 12th

1 message

---

Nancy Baynard <nancybaynard@yahoo.com>  
To: nancybaynard@yahoo.com

Mon, Apr 28, 2008 at 4:31 PM

Hi Everyone...

I wanted to let you all know that due to unforeseen construction delays Warrior Fitness Boot Camp must delay their opening day one week. They will now be opening their doors **Monday, May 12<sup>th</sup>** (vs. May 5<sup>th</sup>).

They have asked that I pass along their apologies for the delay and hope this does not inconvenience you in any way (trust me they are bummed). It goes without saying they are definitely busting their asses (and burning the candle at both ends) to get the gym open for business. They want it open yesterday!

That said, I want to send a HUGE thanks to all of you for spreading the word! Please keep up the awesome work of reaching out to family, coworkers, friends, building-mates etc. to bring them to what is going to be an awesome gym!

Hope this email finds you well and you are staying dry today... Happy Monday (yuck right?).

Cheers,

Nancy

-----

A few more items...

As I indicated earlier, in terms of pricing, they are offering a promo for initial sign-up: "Operation Warrior" is their 6-week package that includes 24 "training days" and is priced at \$999 (\$50 off original \$1049 price if you sign up during 1st 3 months of their opening). They are also offering various other packages (36, 48, 72 and 96 training day sessions) at further discounts (the more you sign up, the bigger the discount).

Other details:

- 1) Training day sessions are 1 hour long. Monday - Friday at: 5:30am, 6:30am, 7:30am, 9am, noon, 1, 5:30pm, 6:30pm, 7:30pm. Saturday at 9:30am and 10:30am
  - 2) The drill instructors are former Marines (oorah)
  - 3) Corporate programs and discounts available
- And again, target opening day is Monday, May 5th!

I hope you will join me!!!!

----- Original Message -----

From: Nancy Baynard <[nancybaynard@yahoo.com](mailto:nancybaynard@yahoo.com)>

To: [nancybaynard@yahoo.com](mailto:nancybaynard@yahoo.com)

Sent: Thursday, April 24, 2008 12:29:45 PM

Subject: So excited to introduce Warrior Fitness Boot Camp!

Hi there!

I'm so excited to share some great news!!!! As most of you know my boyfriend Ruben and his best friend/business partner Alex are opening up their own kick-ass gym! YAY! The lease has been signed and construction well on its way to completion. They haven't opened yet (target opening day is Monday, May 5th) but they are actively signing up new clients, which is why I'm reaching out to you to say, "Sign up now, it's a GREAT workout, the space is awesome and the trainers (Alex and Ruben) will kick your ass right into summer! It's going to be AWESOME!"!!!!!"

If I may tell you a little about the gym... (can you tell I'm excited?) Warrior Fitness Boot Camp (WFBC) will be located on 35th Street between 5th and 6th Avenue (so close to all major subways/ferry's/buses!). It's going to be a comprehensive 'boot camp' style gym that includes a full Marine Corp based obstacle course, 2 workout areas, some serious hurdles, incline/decline monkey bars, dip bars, climbing walls, and tunnel... and for you runners out there, the obstacle course is surrounded by a track for sprinting, relays, laps etc. SO FUN! It may sound a bit nuts but it's not! For those of you who have ever worked out in a group setting before you know that it's so great to go through this type of workout w/ others! So great, fun, and gets you in great shape!



So... if you're interested in signing up (which I hope you are!) they just started processing 'commitments' (oorah) so give them a ring, 212.967.7977, and they will fax a contract over to you ASAP. In terms of pricing, they are offering a promo for initial sign-up: "Operation Warrior" is their 6-week package that includes 24 "training days" and is priced at "\$999". They are also offering various other packages (3 months, 6 months, 1 year) definitely give them a ring to discuss. They are working on the space as we speak so if they are not able to answer the phone please leave a message and I'm sure they will get back to you as soon as they can.

Oh, and one more thing, please help SPREAD THE WORD to others! Your support is greatly appreciated!

I hope this email finds you well (and hopefully sitting outside right now eating lunch enjoying the beautiful day)!

Best,  
nancy

---

**EMAIL 32**

[Print](#) | [Close Window](#)

Subject: RE: FW: Hi Guys!  
From: "Landry, Nicole" <nicole.landry@lovells.com>  
Date: Thu, May 01, 2008 11:54 am  
To: <alex@warriorfitnessbootcamp.com>

Confidential

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Got it. Thanks  
- N

---

**From:** alex@warriorfitnessbootcamp.com [<mailto:alex@warriorfitnessbootcamp.com>]  
**Sent:** Thursday, May 01, 2008 12:19 PM  
**To:** Landry, Nicole  
**Subject:** RE: FW: Hi Guys!

Hey Gillikin/Landry,

Just faxed over contract.

OOHRAH!

Alex

Warrior Fitness Boot Camp  
29 W. 35th St.  
3rd Floor  
New York, NY 10001  
Tel:(212)967-7977  
Fax:(212)967-7477  
[www.warriorfitnessbootcamp.com](http://www.warriorfitnessbootcamp.com)

----- Original Message -----

Subject: RE: FW: Hi Guys!  
From: "Landry, Nicole" <nicole.landry@lovells.com>  
Date: Thu, May 01, 2008 7:19 am  
To: <alex@warriorfitnessbootcamp.com>

Confidential

---

Hi Alex,

Thanks for the info. When can I check out the place? I'll sign up for the 24 TD package. Pls send over the docs when you get a chance. Email is better if possible. Otherwise, you can fax it to 212-909-0660. But that's a general fax number for my whole office so please use a cover page and put it to my attention (Nicole Landry; office 8.10). Thanks.

Nicole

---

**From:** alex@warriorfitnessbootcamp.com [<mailto:alex@warriorfitnessbootcamp.com>]  
**Sent:** Tuesday, April 29, 2008 2:37 PM  
**To:** Landry, Nicole  
**Subject:** RE: FW: Hi Guys!

Hey Gillikin,

It's good to hear from you. We'll definitely put you in for the 7:30am on Mondays starting May 12. Pricing for the number of training days that you requested are as follows:

36 training days- \$1497 (\$41.60 per training day) A 5% discount from the regular price of \$43.70 has been applied.

48 training days- \$1888 (\$39.35 per training day) A 10% discount from the regular price applies.

Let us know what you want to do and we can fax you a contract.

Also, in case you haven't heard what our program offers, below is a brief synopsis.

The gym is Marine Corps oriented. All walls are painted in Marine Corps colors. The class structure will be based on what we went through at Parris Island (Marine Corps Boot Camp). We have an obstacle course that we designed. Ascending and descending Monkey Bars, awesome Marine Corps Hurdles, Dip bars, many Walls to climb and much more. Surrounding the course is a track for running and Bear Crawling! We have

medicine balls, stall bars, free weights, resistance bands, etc... Lots of good stuff.

Classes are as follows: M-F 5:30am, 6:30am, 7:30am, 8:30am, 12:00pm, 12:30pm (2- 1/2 hour classes during lunch), 1pm, 5:30pm, 6:30pm, 7:30pm

Sat 9:30am, 10:30am

We will be conducting fitness assessments throughout your training cycle.

We offer a 24 Training Day program, 36 T.D. program, 48, 72, and 96.

For our opening during the first 3 months, we are offering the discounted price of \$999 for a 4 day a week, 6 week program or 3 day a week, 8 week program. 24 training days total.

Also, the more training days that you sign up for, the larger discount that you will receive.

We also offer a referral program whereby if you refer a new Warrior and they sign up for 6 weeks or more, you will receive a weeks worth of training days the next time you sign up.

OOHRAH!

Alex

Warrior Fitness Boot Camp  
29 W. 35th St.  
3rd Floor  
New York, NY 10001  
Tel: (212) 967-7977  
Fax: (212) 967-7477  
[www.warriorfitnessbootcamp.com](http://www.warriorfitnessbootcamp.com)

----- Original Message -----

Subject: FW: Hi Guys!  
From: "Landry, Nicole" <[nicole.landry@lovells.com](mailto:nicole.landry@lovells.com)>  
Date: Tue, April 29, 2008 8:37 am  
To: <[alex@warriorfitnessbootcamp.com](mailto:alex@warriorfitnessbootcamp.com)>

Confidential

Hi Alex!

It's Gillikin (the new last name still confuses everyone, including me...)

So, congrats on the new spot!!! So excited for you guys. The place sounds cool - looking forward to a change - can't wait to see it. Been playing phone tag with Ruben but I'll def sign up w/ you guys. I have until June 12th (Tues / Thurs) at Brenner's but I want to support y'all from the beginning. Can I sign up for Mondays, 7:30 am, starting on May 12th (or whenever you open) and then switch to Tues / Thurs after June 12th? Sorry to be a pain.

Can someone send me prices for the 36 and 48 session packages?

Are we still wearing camo??

Miss you guys - PPBC is just not as cool anymore ; ) Good Luck!!

- N

Nicole (Gillikin) Landry  
Tax Associate

Lovells LLP  
590 Madison Avenue  
New York NY 10022

Tel: +1 212 909 0600  
Direct: +1 212 909 0629  
Fax: +1 212 909 0660  
Email: [nicole.landry@lovells.com](mailto:nicole.landry@lovells.com)

From: Liz Friesell [<mailto:liz@outpostdigital.com>]  
Sent: Tuesday, April 29, 2008 10:46 AM  
To: Landry, Nicole

**Subject: Fwd: Hi Guys!**

here you go! sounds like it will be a nice change of scenery!

Begin forwarded message:

From: alex@warriorfitnessbootcamp.com  
Date: April 28, 2008 5:55:35 PM EDT  
To: Liz Friesell <liz@outpostdigital.com>  
Subject: RE: Fwd: Hi Guys!

Hey Freak,

Good to hear from you. We are psyched to be kicking your butt again soon. Below is a brief synopsis of our program, in case you haven't heard.

The gym is Marine Corps oriented. All walls are painted in Marine Corps colors. The class structure will be based on what we went through at Parris Island (Marine Corps Boot Camp). We have an obstacle course that we designed. Ascending and descending Monkey Bars, awesome Marine Corps Hurdles, Dip bars, many Walls to climb and much more. Surrounding the course is a track for running and Bear Crawling! We have medicine balls, stall bars, free weights, resistance bands, etc... Lots of good stuff.

Classes are as follows: M-F 5:30am, 6:30am, 7:30am, 8:30am, 12:00pm, 12:30pm (2- 1/2 hour classes during lunch), 1pm, 5:30pm, 6:30pm, 7:30pm

Sat 9:30am, 10:30am

We offer a 24 Training Day program, 36 T.D. program, 48, 72, and 96.

For our opening during the first 3 months, we are offering the discounted price of \$999 for a 4 day a week, 6 week program or 3 day a week, 8 week program. 24 training days total.

Also, the more training days that you sign up for, the larger discount that you will receive.

We also offer a referral program whereby if you refer a new Warrior and they sign up for 6 weeks or more, you will receive a weeks worth of training days the next time you sign up.

We had a delay in construction that set us back a few days so we are moving the opening date to Monday, May 12. As soon as everything is up to our standards, we will be opening for viewing. We are very sorry for any inconvenience.

Please feel free to contact us at any time. We would love to hear from you.

OOHRAH!

Alex

Warrior Fitness Boot Camp  
29 W. 35th St.  
3rd Floor  
New York, NY 10001  
Tel: (212) 967-7977  
Fax: (212) 967-7477  
[www.warriorfitnessbootcamp.com](http://www.warriorfitnessbootcamp.com)

----- Original Message -----

Subject: Fwd: Hi Guys!  
From: Liz Friesell <liz@outpostdigital.com>  
Date: Mon, April 28, 2008 9:06 am  
To: alex@warriorfitnessbootcamp.com, ruben@warriorfitnessbootcamp.com

this got sent back to me cause I realized the email was misspelled!  
Begin forwarded message:

From: Liz Friesell <lizfriesell@mac.com>  
Date: April 28, 2008 12:04:48 PM EDT  
To: alex@warriorfitnessbootcamp.com, ruben@warriorfitnessbootcamp.com  
Subject: Hi Guys!

Hey there guys!

Davis forwarded me the info that Nancy had set along, sounds like it's all coming together! So excited for you both!

I am definitely on board, but I do have 16 sessions left at Pure Power, so I was hoping I could sign up with you guys to start next week, but I would only be able to do 1 or 2 sessions with you guys weekly while I try to finish out my sessions over at 21st street! Is that something you guys are cool with? I'm actually gonna try and do 5 sessions this week in an effort to whittle them down as soon as possible, and well, I am getting married in a year, so what better time then to get my ass in shape!

If you guys are cool with me starting next week at one or two sessions weekly then send over the

contract and we'll get it all set up!

can't wait to see you guys back in action!  
best,  
liz

Liz Friesell  
914-462-1779

Liz Friesell  
Executive Producer  
Outpost Digital  
435 Hudson Street  
7th Floor  
New York, NY 10014

212-520-3000  
212-520-3100 (fax)

[liz@outpostdigital.com](mailto:liz@outpostdigital.com)

Liz Friesell  
Executive Producer  
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435 Hudson Street  
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**EMAIL 33**



Alex Fell <kappamarine@gmail.com>

## Tell Ruben to return key immediately

3 messages

Jennifer J. Lee <jennifer\_j\_lee@yahoo.com>  
To: Alex Fell <kappamarine@gmail.com>

Wed, Apr 16, 2008 at 5:12 PM

This is all from Buterman.

Tell Ruben to return the key immediately via mail (not personally)

And, Ruben should not go to PPBC to pick up his things. She can accuse him of criminal activity.

If he really needs his stuff, Nancy should get it, not Ruben.

Jennifer J. Lee  
212-982-5163 (work)  
[www.bobbyflay.com](http://www.bobbyflay.com)

Jennifer J. Lee <jennifer\_j\_lee@yahoo.com>  
To: Alex Fell <kappamarine@gmail.com>

Wed, Apr 16, 2008 at 5:32 PM

REDACTED

Are you still meeting with your Brian friend tonight?

REDACTED

Buterman called me again and said more stuff. Will tell you tonight. basically, it's stuff you are already doing (like never referencing PPBC, always saying taht you are doing different things based on Marine Corps, etc). He also said she does not have a case. Nothing you can do but to proceed going forward. He wants you both to know to call him anytime, even if you just want to talk, get a 2nd opinion, etc. He really wants to help you guys any way you need ot be helped.

REDACTED

— Alex Fell <kappamarine@gmail.com> wrote:

> Thanks honey will do. He's gonna do it in the  
> morning before he comes here.



**EMAIL 34**



Alex Fell &lt;kappamarine@gmail.com&gt;

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## Buterman advice

1 message

Jennifer J. Lee &lt;jennifer\_j\_lee@yahoo.com&gt;

Fri, May 2, 2008 at 4:57 PM

To: Alex Fell &lt;kappamarine@gmail.com&gt;

I told him about the buidling inspector, etc. His advice is not to do anything at her level. Not to provoke her or anything since she is such a child. however, her lawyer should be made aware that you know that she is up to these ploys and needs to stop.

He said she is ruining her business on her own, taking all this time and energy and money, isntead of running her own business.

In time, she will fail because of herself. Not because you did anything to stoop to her level.

It doesn't mean Buterman won't do some little things to let people know stuff that will hurt her even more... but it won't hurt you guys. He assures me of that. He has your best interests at heart first. Then, his insterest to destroy her is secondary and he thinks she is already destroying herself anyway.

Jennifer J. Lee  
212-982-5163 (work)  
[www.bobbyflay.com](http://www.bobbyflay.com)

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**EXHIBIT B**

864RPURC (3).txt

11

864rpurc

1 discovery should be put in the papers.

2 MR. HERZFELD: Judge, I'll withdraw the request. We'd  
3 rather get a prompt determination by you than have the ability  
4 to inspect the facility.

5 THE COURT: OK. So the parties don't want discovery.

6 Let me know in the papers whether you want an evidentiary  
7 hearing, how long you expect the evidentiary hearing to take,  
8 who the witnesses are that you intend to call at the  
9 evidentiary hearing. I will attempt to reschedule it.10 MR. SCHNAPP: Your Honor, may I address one other  
11 issue?

12 THE COURT: Sure.

13 MR. SCHNAPP: I think in our preliminary letter to the  
14 Court and in our letter on Monday we addressed the fact that  
15 the majority of counsel's papers as they occurred in the state  
16 court action -- again, obviously, they may supplement them --  
17 but as they currently exist, they cite to and actually include  
18 as exhibits a total of 33 emails.19 We reviewed those emails, and it appears that 23 of  
20 those emails were either attorney-client privileged or they  
21 were essentially stolen. By that I mean that we believe that  
22 plaintiff's owner or someone working on her behalf hacked into  
23 a computer and went into our client's personal email accounts  
24 and took these emails and have now presented them with their  
25 papers.SOUTHERN DISTRICT REPORTERS, P.C.  
(212) 805-0300

12

864rpurc

1 we ask the Court in the letter that some way somehow  
2 this be addressed so that we are not forced to have to confront  
3 these allegations based upon stolen privileged emails.

4 THE COURT: Mr. Herzfeld?

5 MR. HERZFELD: First of all, the fact that it's an  
6 attorney-client communication doesn't necessarily mean it's  
7 privileged. What happened here is Pure Power had a firm  
8 policy, employee policy, against using email on firm premises,  
9 using the firm computer, which was located in my client's  
10 office. The defendants apparently ignored that policy and used  
11 the computer. Those are for the most part the emails which my  
12 client has recovered.13 In addition, other emails were recovered because the  
14 defendants actually gave my client, or an employee of my  
15 client, their password. That's how those were accessed.  
16 Finally, in terms of attorney-client communications, a number  
17 of those emails reflect the sharing of those communications  
18 with third parties, which would also break the privilege.19 So I think there are a number of issues that are going  
20 to be before this Court, whether my client rightfully accessed  
21 them. It is at least the New York State court that  
22 specifically provides that you lose the expectation of privacy  
23 where your employer has a specific policy prohibiting emails  
24 and you ignore that policy. Scott v. Beth Israel. I think it  
25 is actually recited in their responding letter.SOUTHERN DISTRICT REPORTERS, P.C.  
(212) 805-0300

13

864rpurc

1 So you have whether or not the defendants waived any  
2 rights with respect to those emails, all of which were housed  
3 on my client's computer, and whether or not they actually